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A HISTORY

OF

ENGLAND

FROM THE FIRST

INVASION BY THE ROMANS

BY

JOHN LINGARD, D.D.

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HISTORY

OF

ENGLAND.

CHAP. I.

JAMES I.

GENEALOGICAL TABLE.

James I. = Anne of Denmark.
*1625, *1619.

enry 1612. | Charles I. *1649. = Henrietta Maria of France. *1669. | Elizabeth *1662. = Frederic Prince of Orange. *1632. | Three daughters.

harles II. 1684. = Catharine of Portugal. *1705. | Anne Hyde *1671. = James II. | Mary. D'Este. = Mary *1660. = William Prince of Orange. *1648. | Charles, Rupert, Maurice. | Sophia = Ernest Augustus Elector of Hanover. *1698.

CONTEMPORARY PRINCES.

Emperors.	*Kings of France.*	*Kings of Spain.*	*Popes.*
Rodolph ..... 1612.	Henry IV..... 1610	Philip III.	Clement VIII.. 1605.
Matthias ..... 1619.	Louis XIII.	Philip IV.	Leo. XI. ..... 1605.
Ferdinand II.			Paul V. ..... 1621.
			Gregory XV.

ARRIVAL OF JAMES IN ENGLAND—EMBASSIES FROM FOREIGN COURTS —CONSPIRACY—CONFERENCE AT HAMPTON COURT—PROCEEDINGS IN PARLIAMENT—IN CONVOCATION—SEVERITIES AGAINST THE

CATHOLICS—ORIGIN AND PROGRESS OF THE GUNPOWDER PLOT—ITS FAILURE AND THE FATE OF THE CONSPIRATORS—TRIAL AND EXECUTION OF GARNET—MEETING OF PARLIAMENT—NEW PENAL LAWS—CONTROVERSY RESPECTING THE OATH OF ALLEGIANCE.

CHAP. I.

THE narrow and selfish policy of the late queen had left the succession to the crown in suspense and uncertainty. James VI. of Scotland was by descent the next heir: but the exclusion of the Scottish line in the will of Henry VIII. had thrown some doubt on his right; and it was generally believed that his pretensions would meet with opposition from the fears of the noblemen, whose hands had been stained with the blood of his unfortunate mother, from the jealousy of the churchmen, who must fear the accession of a prince educated in the principles of Calvin, and from the intrigues of the catholics, whose interest it was to seek relief from the penal laws by supporting a catholic successor. For years the public mind had been agitated with predictions of the fearful consequences to be apprehended on the death of Elizabeth: predictions which the event proved to have been no better than the dreams of timid or designing politicians. Not a voice was raised in favour of any other claimant. The supposed enemies of James had long ago made their peace with their future sovereign: the clergy gave credit to his assurances, that he loathed a form of religion which led to the depression, if not the extinction, of the royal

CHAP. I.

authority ;[1] and the catholics, flattered by the reports of their agents, hailed with joy the succession of a prince who was said to have promised the toleration of their worship, in return for the attachment which they had so often displayed for the house of Stuart.

James proclaimed.

The moment that Elizabeth's malady assumed an alarming appearance, Cecil had been careful to place in safe custody the lady Arabella, the only individual within the kingdom whose claim could be put in competition with that of James.[2] As the danger of the queen encreased, he summoned all the noblemen of his party to repair in haste to the capital; and early on the morning of her death, before the event was publicly known, met them in council with his colleagues from Richmond.[3] Not a moment was lost. With the Secretary at their head they proceeded to Whitehall, and to the

1603. March 24.

[1] It was probably to encourage this belief, that his work entitled Basilicon Doron, which he had completed in 1599, was now printed. It was so universally read, that it went through three editions in the course of the year 1603.

[2] Arabella had become an object of greater suspicion, because it was rumoured that she intended to marry a younger son of the earl of Hertford, whose mother, Catharine Gray, was the eldest claimant of the house of Sussex. "I heare some have an intention to match "the earle of Hartfordes younger sonne with Arbella, and to carry it "that way." July 21, 1602. "I have understood by credeble "meanes, that some great personages heare (therle of Hertfordes "younger sonnes wife beyng lately dead) proposed a marriage be-"tweene hym and Arbella." Aug. 25, 1603. MS. letters of Anthony Rivers in my possession.

[3] Strype, iv. 370. Rymer, xvi. 493.

CHAP. I.

Cross in Cheapside; at both places the king of Scots was proclaimed by the voice of Cecil himself, and the citizens, by their acclamations, bonfires, and the ringing of bells, testified their satisfaction at the accession of the new monarch.

He enters England.

James, who was in his thirty-seventh year, received the intelligence with transports of joy. He had long been weary of a throne, on which his darling propensities were continually checked by the want of money; and his high notions of the royal dignity were combated by the levelling principles of the clergy, and the factious spirit of the nobles. He lost not a moment to take possession of his new inheritance: visions of wealth and power and enjoyment floated before his imagination; and his expectations were confirmed during his progress, by the cheers of the multitudes who assembled to greet their sovereign, and by the sumptuous entertainments which he received in the houses of the nobility and gentry. To his Scottish followers he remarked with exultation, that they had at last arrived in the land of promise.

April 6.

His popularity decreases.

But, as he proceeded, the enthusiasm of the English began to cool. The gait of the new monarch was ungraceful, his countenance repulsive. A tongue, apparently too bulky for the mouth which contained it, eyes that rolled their large and vacant orbits on the surrounding objects, and a scanty beard scarcely indica-

tive of manhood, were not calculated to inspire awe, nor to beget affection: and the king's unwillingness to be seen by the crowds that came to meet him, the haste with which he ordered an offender to be executed without trial or defence, and the partiality which he betrayed on all occasions for his own countrymen, provoked from some, expressions of dislike, and awakened in others, the fear of a despotic and unpopular reign.[4] April 21.

In many his marked antipathy to his predecessor excited the most painful emotions. So keenly did he feel the injuries, which she had inflicted on his mother and himself, that he could not bear the mention of her name without showing signs of uneasiness and displeasure.[5] Of her talents he affected to speak with disparagement, of her morals with reproach. It might have been expected that he should honour her funeral with his presence: but he was spared this mortification by an order of the council, that the body of the late queen should be interred before the arrival of her successor. The absence of the king was, however, supplied by the voluntary attendance of fifteen hundred persons in deep mourning, who, in testimony of their respect for the memory of Elizabeth,

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[4] See Somers, ii. 147. Stow, 821.

[5] When the French ambassador had ordered his suite to dress in mourning for Elizabeth, it was considered by James as an insult, and he was compelled to revoke the order. Sully's Memoirs, l. xiv. xv.

CHAP. I.

followed her remains to Westminster Abbey, where they were deposited in the chapel of Henry VII.[6]

April 28. From Edinburgh James had invited the earl of Southampton, still a prisoner in the Tower, to meet his friend and sovereign at York. This act of kindness to the associate of Essex alarmed all those who had been instrumental in the death of that nobleman. They were now divided into two factions, mortal enemies to each other; the secretary with his colleagues of the council, and the earl of Northumberland with lord Gray, lord Cobham, and sir Walter Raleigh. All hastened to meet the king, displaying their past, and tendering their future services. But James had already made his election. If the secretary had more deeply offended, he was yet the more likely to prove useful. Him he confirmed in office; a share of the royal favour was also promised to Northumberland; but Cobham and Gray were left to complain of ingratitude and neglect; and Raleigh lost not only the honourable post of captain of the guard, but the more valuable office of warden of the stanneries.[7]

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[6] James, however, had previously declared to the council, that he would attend, if they deemed it proper for the honour of the queen. Ellis, Original Letters, &c. iii. 65.

[7] He still retained the government of Jersey, and, as some compensation, obtained a remission of the rent of 300*l.* per annum, which he had contracted to pay out of the income. Ellis, Original Letters, iii. 82.

CHAP. I.

James had accepted the invitation of Cecil to spend a few days at his house of Theobalds. There the secretary employed every art to ingratiate himself with the new sovereign. He not only studied the royal humours and partialities, he also condescended to purchase the friendship of the Scottish favourites. When the council was formed, by his advice, or at least with his approbation, six Scotsmen were admitted, the duke of Lenox, the earl of Marr, the lord Hume, sir George Hume, Bruce of Kinloss, and secretary Elphinstone: but, at the same time, to balance the account between the nations, six English noblemen, the earls of Northumberland and Cumberland, the lords Henry and Thomas Howard, and the barons Zouch and Burrough, received the same honour.[8]

Distribution of honours. May 7.

As the king entered London, proclamation was made to suspend all grants of licences and monopolies, till they had been examined by the council; to revoke all royal protections for the purpose of delay in the courts of law; and to prohibit the abuses of purveyors, of the makers of saltpetre, and of the officers of the household. Honours were afterwards bestowed with a most lavish hand. The earl of Southampton and the young earl of Essex recovered

[8] See Stow for the king's progress from Edinburgh to Theobalds, 816—822.

CHAP. I.

their titles and estates; Mountjoy and three of the Howards were raised to the rank of earl; nine new barons were created, among whom was Cecil the secretary; and in the course of three months the honour of knighthood was conferred on seven hundred individuals. This profusion provoked murmurs: and a pasquinade was seen fixed on the door of St. Paul's, offering to teach weak memories the art of recollecting the titles of the new nobility.[9]

Embassies.

The accession of the Scottish prince was calculated to produce an important change in the political relations of England. He felt nothing of that animosity against the king of Spain, which had so long festered in the breast of his predecessor; nor did he know how to reconcile with his high notions of the royal authority the wisdom of lending aid to men in arms against their legitimate sovereign. Aware of his disposition, the states of Holland sent to him a splendid and honourable embassy, at the head of which was Frederic prince of Nassau, aided by the sagacity and experience of three able statesmen, Valck, Barnevelt, and Brederode. But James stood on his guard against their entreaties and flattery; he invented pretexts to elude every demand of an audience; and over his cups he hesitated not to brand

From Holland.

[9] Stow, 824—827. See a catalogue of the monopolies in Lodge, iii. 159—162.

CHAP. I.

the deputies and their masters with the ignominious designation of traitors. On the other hand, the conduct of the archduke gave him the highest pleasure. That prince, in compliment to the king, discharged all his English prisoners, as the subjects of a friendly monarch, and then solicited and obtained permission to send an ambassador to the English court. For this office he chose one of the first noblemen in his dominions, the count of Aremberg. Aremberg, however, came, not to negociate, but to protract the time, till instructions could be obtained from Spain; he employed the interval in studying the temper of the court, and in purchasing by presents an interest in the council.

From the archduke.

June 6.

Two days after Aremberg landed a rival statesman, the celebrated Rhosny, better known as duke of Sully.[10] The king of France had hitherto aided the Hollanders in conjunction with the queen of England: the succession of the new monarch taught him to fear that the whole of the burthen would devolve upon himself, or that the Spanish king would recover the dominion of the revolted provinces. Under this impression Rhosny was dispatched

From the king of France.

[10] Rhosny embarked with his suite on board two vessels offered by the English vice-admiral: and on his passage he was met by the French vice admiral bearing his flag on his main-top-gallant-mast. The English immediately poured a broadside into the French ship, and would have repeated it, had not the flag been taken down at the instance of the ambassador. The bearing of the flag was the cause of offence. Sully's Memoirs, l. xiv.

CHAP. I.

to oppose the intrigues of Aremberg: by the distribution of presents to the amount of sixty thousand crowns, he secured the favour of the queen and of the courtiers; and the elegance of his manners, the delicacy of his flattery, and his insinuating eloquence, soon gave him a complete control over the mind of James. He taught the king to mistrust the fidelity of his own counsellors. Cecil was openly charged with duplicity; and the royal signature was subscribed to a treaty drawn up by the Frenchman. It bound the kings of England and France to aid the states by secret advances of money; and if Philip should resent such practices, to join in open hostilities against that monarch. The ambassador departed exulting in the success of his mission; it soon appeared that his influence depended on his presence. The treaty was indeed ratified; but it did not divert the king from the pursuit of his great object, peace with all the nations of Christendom.[11]

June 25.

July 1.

Politics of the Spanish court.

While the French court negociated in England, the Spanish cabinet, with its characteristic slowness, consumed the time at home in endless consultations. To solicit a peace from the new king appeared to Philip equivalent to a confession of weakness: to continue the war was to remove every probability of reducing his revolted subjects. During this struggle

[11] Sully's Memoirs, l. xiv. xv. xvi. Some of the presents were continued annually as pensions. Id. l. xvi. Lodge, iii. 166.

between pride and interest, two Englishmen arrived at Madrid, the envoys of that expiring faction which has been called the Spanish party among the English catholics. In the preceding year Thomas Winter, as its representative, had arranged with the ministers of Philip a plan for the invasion of England. The death of Elizabeth disconcerted the project. The catholics almost unanimously supported the right of James; and Garnet had thought it prudent to burn the breves in favour of a catholic successor. Still a few discontented individuals remained: and Wright was dispatched from England, Fawkes from Flanders, to discover the real disposition of the Spanish council. The duke of Lerma thanked them for their offers, and assured them of the gratitude of his sovereign: but added that Philip had no cause of hostility against James: he looked on the king as his friend and ally; and had appointed the Conde de Villa Mediana his ambassador to the English court.[12]

Conspiracy in England.

At this moment, when the enmity between the two crowns seemed on the point of expiring, it was in some measure revived by the detection of a dark and unintelligible conspiracy in England. The earl of Northumberland was

[12] See statute 3 James I. c. 2. Gunpowder Treason, 92—94. 162. The substance of this charge is acknowledged by Garnet and his advocates, though they object to many particulars. Gunpowder treason, 186, 187. Eudæmon Joannes, 295. 306—310.

CHAP. I.

sensible that he held the royal favour by a very precarious tenure, as long as his adversary Cecil possessed the first place in the cabinet, and his associates Cobham and Raleigh, disgraced by the king, shunned by the courtiers, gradually abandoned themselves to the suggestions of revenge and despair. At first all three attempted to intrigue with the French council. They transmitted their offers through La Fontaine, and applied personally to Beaumont, the resident, and Rhosny, the extraordinary ambassador. But no countenance was given to the overture: Henry wisely preferred the docility with which James listened to his envoys, before the wild and impracticable schemes of three discontented courtiers. Here Northumberland had the prudence to desist. The other two persevered in this dangerous course, and made proposals to Aremberg, the ambassador of the Archduke, who, ignorant of the sentiments of the king of Spain, consulted the court of Brussels, and was ordered to encourage the correspondence. It appears that the great aim of Raleigh (Cobham acted only as his tool) was to obtain a large sum of money. What might have been his ulterior object is only matter of conjecture. That he would not employ it to further the designs of the Spanish cabinet, may be safely believed: perhaps it would have been spent in forming a party to remove Cecil and his friends from the council;

CHAP. I.

perhaps, if it were necessary, to support (so it was said at the trial) the claim of Arabella Stuart against that of James.[13]

"The Bye."

This, in the language of the initiated, was termed "the main:" "the bye," a subordinate and equally mysterious plot, was under the direction of Sir Griffin Markham and of George Brooke, the brother of lord Cobham. Discontent made them conspirators, and the successful attempt of the Scottish lords on a former occasion, suggested to them the forcible seizure of the royal person. With the king in their possession, they would be able to remodel the government, to wreak their vengeance on their enemies Cecil and sir George Hume, and to secure to themselves and their friends the principal offices in the state. It was not, however, pretended, that with the conduct of this plot Cobham and Raleigh had any concern. They were satisfied to know of its existence, and cherished a hope that, "if one sped not, the other might."[14]

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[13] I have not been able to consult the despatches of Beaumont, but Carte assures us that in those of October 20th and December 6th, he informed the king of France that he was fully convinced of the guilt of Cobham and Raleigh, both of his own knowledge, and from two intercepted letters of the ambassador, which he had perused.—Carte, iii. 271.

[14] Cecil's letter to Parry apud Cayley, Life of Raleigh, ii. 8. In it he expressly attributes the conspiracy to Markham and Brooke: and adds, as was afterwards inserted in the indictment of the conspirators, that it was intended to make Watson lord chancellor, Brooke lord treasurer, Markham secretary, and Gray earl marshal. The absurdity of the thing is its own refutation.

CHAP. I.

But how were Markham and Brooke, men without money or influence, to accomplish their purpose? They sought for co-operators among the puritans and the catholics; who though enemies to each other, were equally dissatisfied with the penal code which oppressed them, and might easily be led to approve of an enterprize, which had for its object religious toleration.

Among the catholics they connected themselves with the missionary Watson, who, during the late reign, had been distinguished by his opposition to the Spanish party. To James he had rendered the most important services, but in return had been treated by the monarch with neglect and ingratitude.[15] Whether he really sought to further the object of the conspirators, or to make their efforts subservient to his own plans, may perhaps be doubted: but he called together his confiden-

[15] Watson had written in favour of James against the pretensions of the infanta; and before the death of Elizabeth he repaired to Scotland, where he received the most cheering promises from the king. On his return he laboured among his catholic brethren to support the succession of the Scottish monarch: but finding afterwards that James granted no toleration, and even exacted the fine of £20 per lunar month from recusants, he waited on the king, and reminded him in vain of his former promises. On his leaving the royal presence, James observed to one of his attendants, "that since protest-"ants had so generally received and proclaimed him king, he had "now no need of papists." This was the origin of Watson's discontent. See Copley's voluntary declaration of the 14th of July, in the state paper office.

tial friends, and began by administering an oath which bound them to watch over the safety of the king, to procure the advancement of their religion, and to keep their association a secret both from the knowledge of the government, and of their adversaries of the Spanish faction. He next proposed a resolution that they should assemble in a numerous body, should throw themselves on their knees before the king, as he went out to hunt, and representing the services which they had done at his accession, should beg in return the toleration of their religion. More than this was not divulged openly: to a few he disclosed his mind more freely. The puritans, he told them, had formed a plan to obtain possession of the royal person. It was therefore his plan, that they should meet in the neighbourhood under the pretence of presenting a petition; should improve the opportunity to liberate the sovereign from his captors, should conduct him to a place of security, and there solicit from him liberty of conscience. James could never refuse so small a boon to the liberators of his person.[16]

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[16] See the same, and sir Edward Parham's examination of September 1, and that of Bartholomew Brookesby, of September 14th, in the same office. Also their speeches at their trials. Copley pretends that to his confidents Watson occasionally betrayed more criminal designs: but too much credit ought not to be given to the man who accuses another that he may be spared himself. I shall add the extract from his confession in Appendix, note (A).

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Among the puritans they applied to lord Gray, a young nobleman of enthusiastic zeal and determined courage. He thought his merit overlooked by the king: his enemy, Southampton, was established in the royal favour; and his brethren in religion loudly complained of penalties and disabilities. On these accounts he entered with cheerfulness into the plot, and promised to bring to the surprise one hundred men on horseback.

The conspirators had originally intended to effect their purpose at Greenwich during the darkness of the night: but when it was considered that three hundred armed gentlemen lay within the palace, they preferred to make the attempt at Hanworth, where James, in his hunting parties, was accustomed to call for refreshment at the house of a private gentleman. But when the appointed day, the 24th of June, approached, the lord Gray, to the surprise of his associates, proposed to defer the enterprise for some months. He was in reality jealous of the reported number of the catholics, and hoped to strengthen his own party in the interval, under the pretext of collecting forces for the service of the states. Within a day or two Watson and his friends arrived. They were, however, few and without followers: the leaders saw that their force was unequal to their object; much altercation ensued; and

June 24.

the design was at last abandoned as impracticable.[17] CHAP. I.

This determination disappointed the secretary and his colleagues, who, aware of the conspiracy, sought not to interrupt it before the day of the intended attempt. It had been some time before discovered by Watson's adversaries of the Spanish party, and was denounced by them to the council through the agency of Mr. John Gage, and of father Gerard, a jesuit missionary. In a few days Copley, one of the conspirators, was apprehended; and his confession led to the incarceration of all his accomplices engaged in "the bye." Cecil, however, speaking probably from secret information, contended that *they* were only inferior agents; the real leaders were yet to be discovered. At his suggestion the earl of Northumberland and sir Walter Raleigh were summoned before the council; their answers gave satisfaction, and they were discharged. Still the anxiety of Raleigh induced him to warn Cobham of his danger: the letter was intercepted; a second examination followed; and Raleigh was compelled to acknowledge that Cobham had held several private conferences with Aremberg. When this admission was communicated to the latter, thinking himself betrayed, he exclaimed with warmth, that

Apprehension of the conspirators.

July 8.

July 2.

[17] Copley's confession, ibid.

CHAP. I.

whatever he had done, was done at the instigation of Raleigh. Thus each accused the other, and both were committed to the Tower.[18]

May 20.

Raleigh was now fully aware of his danger. He knew the power of his enemies in the cabinet, and, as he expresses it, the cruelty of the law of England, which in trials for treason made it difficult for the most innocent to escape conviction. One afternoon, while the lords of the council were employed in the Tower, he made an attempt, probably a feigned attempt, to commit suicide by stabbing himself under the right breast. By his opponents this desperate act was attributed to consciousness of guilt: by himself, to the persuasion that he was doomed to fall a victim to the arts and malice of the secretary. Cecil gave too much countenance to the charge, by his indecent triumph over an unfortunate and prostrate enemy.[19]

July 27.

King's coronation.

The apprehension of the conspirators was followed by the king's coronation. He had long ago appointed for this purpose his saint's day, the festival of St. James; and though a dangerous mortality raged in the city, he would not allow of any postponement. This haste was imputed to the alarm excited in his mind by the doctrine of Watson, that, since the succession had not been settled by act of parliament, James could not, till his coronation, be

July 25.

[18] Howell's State Trials, ii. 9. 11, 12.

[19] Cayley, ii. 8.

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considered as the actual possessor, but only as claimant of the regal dignity. The ceremony was hastily performed by the archbishop of Canterbury, without the usual parade, in the presence of those only who had been summoned to attend.[20]

Trials.

From Westminster the king fled into the country; but the infection pursued him wherever he went: and for several months the judges with their suitors followed the sudden and uncertain migrations of the court. To this was attributed the long delay in bringing the conspirators to trial; but there was another and more secret cause—the presence of Aremberg, who was deeply implicated in that part of the plot denominated "the main." Soon after his departure, the commoners accused of participating in "the bye" were arraigned in the castle of Winchester. Their confessions, in which they had been careful to accuse not only themselves, but also each other, furnished the proofs of their guilt: and one only, sir Edward Parham, was acquitted, who pleaded that a design to rescue the king from the hands of those who might detain him in captivity, could not in justice be considered as treason.[21]

Nov. 15.

Of Raleigh.

The conviction of Raleigh offered a more serious difficulty. He had made no confession;

[20] See the proclamations to prevent attendance, in Rymer, xvi. 521. 527.

[21] Howell's State Trials, ii. 61.

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and the real evidence of his guilt, certain intercepted letters between Aremberg and the ministers of the Archduke, could not with decency be made public. There remained only one mean of connecting him with the conspiracy, the declaration of Cobham. But if Cobham had at first in his passion accused him, he afterwards retracted the accusation; and his subsequent depositions were so wavering and contradictory, that they appeared to be suggested by hope or terror, without any attention to truth. Aware of the weakness of his case, the attorney-general, sir Edward Coke, had recourse to invective and abuse;[22] but Raleigh controlled his feelings, and replied with a moderation which placed in a stronger light the indecorous and violent conduct of his adversary. He demanded that Cobham should be confronted with him; he appealed to the statute law, and to the law of God, which required two witnesses; he even offered to abandon his defence, if his accuser would dare to assert in his presence that he had ever advised any dealing whatever with the Spanish monarch. But he was told that the statutes

[22] He called Raleigh a damnable atheist, a spider of hell, the most vile and execrable of traitors. *Raleigh*.—You speak indiscreetly, barbarously, and uncivilly. *Coke*.—I want words sufficient to express thy viperous treasons. *Raleigh*.—You want words, indeed, for you have spoken the one thing half a dozen times. State Trials, ii. 26.

which he cited were not in force; that the law would not allow an accusing accomplice to be brought into court, lest he might take the opportunity to give false evidence for his friend; and that the trial of treason was as satisfactory by jury and written depositions, as by jury and witnesses. The prisoner then drew from his pocket a letter, in which Cobham declared "for the discharge of his own conscience, and "the freeing himself from blood, that he never "practised with Spain through the procurement "of Raleigh;" but to this his last resource, the attorney-general opposed another declaration signed by the same man on the preceding evening, that every charge which he had previously made against Raleigh, was founded in truth. The jury, instead of concluding that such evidence was unworthy of credit, returned, though with visible reluctance, a verdict of guilty. By the great mass of the spectators it was received with disapprobation. They had at first looked upon the prisoner with abhorrence, as a base and revengeful traitor, but his defence made so favourable an impression, that many pronounced him innocent; most acknowledged that he had been condemned without legal or sufficient proof.

Of Cobham and Gray.

Cobham and Gray were arraigned before their peers. The shuffling and meanness of the one opposed a striking contrast to the spirit and eloquence of the other. Cobham appeared

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unworthy of the pardon which he claimed as the reward of his confession: Gray won the esteem of the very judges by whom he was condemned.

Executions.

The two priests were the first who suffered. For them no one ventured to solicit the royal mercy: it was even whispered that James had no objection to rid himself of Watson, as one of the individuals whom he had formerly authorized to promise toleration to the catholics. The day before his execution, the earl of Northampton visited him in prison, and, as he afterwards asserted, obtained from him an avowal that no such promise had been made. At the gallows Watson abstained from any allusion to the subject; but, in common with his fellow sufferer, hinted a suspicion that he owed his fate as much to his priesthood as to his offence. Both were embowelled alive.[23]

Pardon of Cobham, Gray, and Markham.

Of the lay conspirators Brooke alone was executed. With respect to the others, James

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[23] See the speeches of Northampton at the trials of the gunpowder conspirators, and of Garnet. Watson at the gallows, alluding to the former disputes between himself and the jesuits, said, "he forgave and desired to be forgiven of all; namely, that the jesuits would "forgive him, if he had written over-eagerly against them; saying "also that it was occasioned by them, whom he forgave if they had "cunningly and covertly drawn him into the action for which he suffered." Stow, 831. Indeed so great was the hostility between the parties, that Copley in his MS. confession chiefly laments "the occasion of triumph which their failure would give the jesuits, knowing "how much they were their enemies."

resolved to surprise his subjects with a specimen of that kingcraft, in which he deemed himself so complete a master. At court several of the lords had interceded in their favour: their enemies called aloud for punishment; and Galloway, the minister from Perth, "preached so "hotly against remissness and moderation of jus- "tice, as if it were one of the seven deadly sins." The king, if he rejected the prayer of the one, equally checked the presumption of the other. Dec 7. —Confining his secret within his own breast, he signed on Wednesday the warrants for the Dec. 8. execution of Markham, Gray, and Cobham; and the next day dispatched a private letter to Tichbourne, the sheriff, by Gibb, a messenger who had just arrived from Scotland, and was Dec. 9. consequently unknown. On the morning of Friday, Markham was led forth to suffer. He complained that he had been deluded with false promises of life: but though surprised he was not dismayed; and when a napkin was offered him, he refused it, saying that he was still able "to look death in the face without blushing." While he made himself ready for the block, the sheriff was withdrawn by Gibb, and, at his return addressing Markham, told him that, as he was not sufficiently prepared, he should have two hours more for private devotion. As soon as Markham was locked up, Gray made his appearance, preceded by a crowd of young gentlemen, and supported on each side by two of

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his dearest friends. The minister who attended him prayed aloud: Gray followed with a firm voice, affected language, and a delivery expressive of the most fervent piety. He then arose, confessed his guilt, and, falling again on his knees, prayed a full half hour for the king and the royal family. The moment he stopped, the sheriff informed him that he must leave the scaffold; that he had been brought forward by mistake; and that Cobham, according to the warrant, must die before him. His removal made place for that nobleman, who, to the surprise of both his friends and foes, shewed nothing of the mean and abject spirit which he had betrayed at his trial. He ascended the ladder with a firm step; surveyed with an undaunted eye the implements of death; and, acknowledging his own guilt, affirmed on his salvation that of his associate Raleigh.

At this moment Markham and Gray separately mounted the scaffold; and each of the three, in the persuasion that his companions were already dead, stared on the other two with looks of the wildest astonishment. The crowd pressed forward in breathless suspense; and the sheriff in a loud voice explained the mystery, by a declaration that the king of his own gracious disposition had granted life to each of the convicts. They were conducted to different prisons, and Raleigh, whose execution had been fixed for the Monday, shared the royal

mercy in common with his fellows. James reaped the full fruit of this device. The existence of the plot was proved by the confessions made on the scaffold; the guilt of Raleigh could no longer be doubted after the solemn asseveration of Cobham; and the royal ingenuity as well as clemency was universally applauded.[24]

King's conduct to the Catholics.

It is plain that this conspiracy, so heterogeneously composed and so easily defeated, offered but little ground of alarm: yet it taught the king to distrust more deeply the professions both of the puritans and the catholics. From the moment, when he crossed the Tweed, the two parties had never ceased to harass him with petitions for religious toleration. To the catholics he felt inclined to grant some partial indulgence. He owed it to their sufferings in the cause of his unfortunate mother: he had bound himself to it by promises to their envoys, and to the princes of their communion. But his secret wishes were opposed by the wisdom or prejudices of his advisers: and, if he were ashamed to violate his word, he was taught also

[24] For these proceedings see the Hardwicke papers, i. 377—393. Lodge, iii. 215. Winwood, ii. 11. Howell's State Trials, ii. 65—70. Caley's Life of Raleigh, ii. 5—84. Stow, 828—832. Cecil tells us that the king's object was to see how far the lord Cobham at his death would make good his accusation. Markham, Copley, and Brokesby were banished for life: Gray expired in the Tower, after a captivity of eleven years: and Cobham, being discharged from confinement, died in extreme poverty in 1619. With Raleigh the reader will meet again.

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to dread the offence of his protestant subjects. At last he compromised the matter in his own mind, by drawing a distinction between the worship and the persons of the petitioners. To every prayer for the exercise of that worship, he returned a prompt and indignant refusal; on more than one occasion he even committed to the Tower the individuals, who had presumed to offer such an insult to his orthodoxy. But he invited the catholics to frequent his court: he conferred on several the honour of knighthood; and he promised to shield them from the penalties of recusancy, as long as by their loyal and peaceable demeanour they should deserve the royal favour. This benefit, though it fell short of their expectations, they accepted with gratitude. By most it was cherished as a pledge of subsequent and more valuable concessions: and the pontiff Clement VIII. now that Elizabeth was no more, determined to cultivate the friendship of the new king. By two breves directed to the archpriest and the provincial of the jesuits, he strictly commanded the missionaries to confine themselves to their spiritual duties, and to discourage by all the means in their power, every attempt to disturb the tranquillity of the realm. The intelligence that Watson and Clarke had been engaged in the late conspiracy, was received by him with regret. He ordered the nuncio at Paris to assure James of the abhorrence with

which he viewed all acts of disloyalty; and he dispatched a secret messenger to the English court with an offer to withdraw from the kingdom every missionary, who might be an object of suspicion to the council.[25]

To the puritans.

The puritans relied with equal confidence on the good will of the new monarch. He had been educated from his infancy in the Genevan theology; he had repeatedly expressed his gratitude to God "that he belonged to the "purest kirk in the world;" and he had publicly declared, that, "as long as he should brook his "life, he would maintain its principles." These may have been the sentiments of his more youthful years: but in proportion as the declining age of Elizabeth brought the English sceptre nearer to his grasp, he learned to prefer the submissive discipline of a church, which owned the sovereign for its head, to the independent forms of a republican kirk; and, as soon as he saw himself possessed of the English crown, he openly avowed his belief that the hierarchy was the firmest support of the throne, and that, where there was no bishop, there would shortly be no king.[26]

Conference at Hampton Court.

The first petitions of the puritans were couch-

[25] "Paratissimum esse.....eos omnes e regno evocare, quos sua "majestas rationabiliter judicaverit regno et statui suo noxios fore." From instructions given to Dr. Gifford, dean of Lisle, MS. penes me.

[26] Calderwood, 256. In his præmonition to the apology for the oath of allegiance, he dates his conversion six years before his accession to the English throne. P. 45.

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ed in submissive language: gradually they assumed a bolder tone, and demanded a thorough reformation both in the clergy and liturgy. James was irritated, perhaps alarmed: but he preferred conciliation to severity, and invited four of the leading ministers to a conference at Hampton court. On their first attendance they were not admitted. The king spent the day in private consultation with the bishops and his council. Before them he declared that he was a sincere convert to the church of England; and thanked God, who "had brought him to "the promised land, to a country where religion "was purely professed, and where he sat among "grave, reverend, and learned men; not as be-"fore, elsewhere, a king without state, without "honour, and without order, and braved to his "face by beardless boys under the garb of mi-"nisters." Yet he knew that every thing on earth was subject to imperfection: and, as many complaints had been laid before the throne, he had called them together that they might beforehand determine, how far it would be prudent to concede to the demands of their adversaries. —It was not the interest of the bishops to alienate the king by unreasonable opposition. They readily consented that in the book of common prayer, to prevent misapprehension, explanatory words should be added to the general absolution, and the form of confirmation: that the practice of the commissary courts

1604. Jan. 14.

should be reformed by the chancellor and the chief justice; that excommunication should be no longer inflicted for trifling offences; and that the bishops should neither confer ordination, nor pronounce censures, without the assistance of some grave and learned ecclesiastics. The only subject of debate was private baptism. The king argued against it during three hours; but was at last satisfied with the concession, that it should be administered only by clergymen, to the exclusion of laics and especially of females.

Jan. 16. On the second day of the conference the puritan ministers were admitted. They reduced their demands to four heads, purity of doctrine, a learned ministry, the reformation of the ecclesiastical courts, and the correction of the book of common prayer. The first three did not occasion much debate. But the lawfulness of the ceremonies, and the obligation of subscribing to the articles, were warmly contested. After the bishops of London and Winchester, and some of the deans, had spoken, James himself took up the argument, and displayed, even in the opinion of his adversaries, considerable ability. If he taunted them with the weakness of their reasoning, he reprimanded the prelates for the asperity of their language. Sometimes he enlivened the discussion by the playfulness of his wit, sometimes he treated with ease the

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most abstruse questions in theology. He did not, however, dissemble, that his determination was as much the result of political reasoning as of religious conviction. "If," he said, "you "aim at a Scottish presbytery, it agreeth as well "with monarchy as God with the devil. Then "Jack, and Tom, and Will, and Dick, shall meet, "and at their pleasure censure me and my coun- "cil, and all our proceedings. Then Will shall "stand up and say, it must be thus: then Dick "shall reply, Nay, marry, but we will have it "thus: and therefore here I must once more re- "iterate my former speech and say, Le roy "s'avisera." In conclusion, all that the ministers could obtain was, that a national catechism should be framed, and a new translation of the scriptures be published; that the apocrypha, as read in the church, should be distinguished from the canonical scriptures; and that some doubtful expressions in the articles should be more clearly explained.

Jan. 18. The morning of the third day was devoted to an inquiry into the abuses of the high commission court; and a resolution was taken to limit the number of the judges, and to select them exclusively from the higher classes in the state. The dissenting divines were then called in: the decision of the king was announced; and at their request a certain interval was granted, during which the obligation of conformity

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should not be enforced.[27] Thus ended the conference; but it produced few of the effects expected from it. The prelates were not in haste to execute those reforms to which they had consented, more from the fear of exciting displeasure, than from any persuasion of their necessity. The puritans were dissatisfied with their divines, who had been selected without their concurrence, and had not displayed in the presence of the sovereign that bold and independent spirit, which became ministers of the gospel. They also complained, and not without reason, that James had acted not as a judge, but as a party; that he substituted authority for argument; and that he insisted on submission, when he should have produced conviction. But the king himself was gratified. Never before had the opportunity been given him of displaying his theological knowledge on so noble a theatre. In the presence of several distinguished divines, of the first dignitaries of the church, and of the lords of the council, he expounded the scriptures and the fathers, resolved the most knotty questions, and decided every doubt with infallible accuracy. His adversaries quailed before him: the prelates stood

[27] Compare Fuller, cent. xvi. l. ix. 7—24. Howell's State Trials, ii. 70—94, wit—Dr. Montague's letter in Winwood, ii. 13—16. It is plain that Barlow has greatly abridged, and often omitted the arguments of the nonconformists. The alterations in the book of common prayer were immediately made, and published by authority. Rym. xvi. 569, 574.

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wrapt in transports of admiration: the primate exclaimed, that "his majesty spoke by the "special assistance of God's spirit:" and the bishop of London protested that "his heart "melted within him to hear a king, the like of "whom had not been since the time of Christ."[28]

A parliament. March 19.

The king now met his first parliament with the most flattering anticipations; and opened the session with a gracious and eloquent speech from the throne. But, instead of the return which he expected, he found himself entangled in disputes, from which he could not extricate himself with satisfaction or credit. In the lower house a formidable party was marshalled against him, composed of the men who, about the close of the last reign, had dared to advocate the rights of the subject against the abuse of the prerogative. Their notions of civil liberty had been shocked by a recent proclamation,[29] in which James by his own authority pretended to lay

[28] Howell, ii. 86, 87. "The king talked much Latin, and disputed with Dr. Reynolds at Hampton; but he rather used upbraidings than argument, and told the petitioners that they wanted to strip Christ again, and bid them away with their snivelling. . . . . The bishops seemed much pleased, and said, his Majesty spoke by the power of inspiration. I wist not what they mean; but the spirit was rather foul-mouthed." Nugæ Antiquæ, i. 181. But James seems to have thought differently. "I peppered them," says he, "as soundlie as ye have done the papists. . . . They fled me from argument to argument. I was forced at last to say unto them, that if any of their disciples had answered them in that sort they would have fetched him up in place of a reply, &c." Hearne's Titus Livius, 197.

[29] See it in Rymer, xvi. 561.

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down rules to be observed in the election of the members; and their religious feelings had been wounded by the unfavourable result of the conference at Hampton Court. Their numbers and talents gave them courage and importance: they had formerly wrung concessions from the despotism of Elizabeth: they doubted not to triumph over the pretensions and rhetoric of her Scottish successor. The speaker, in his first address to the king, was careful to inform him that "new laws could not be instituted, "nor imperfect laws reformed, nor inconvenient "laws abrogated by any other power than that "of the high court of parliament, that is, by the "agreement of the commons, the accord of the "lords, and the assent of the sovereign: that to "him belonged the right either negatively to "frustrate, or affirmatively to ratify: but that he "could not institute; every bill must pass the "two houses before it could be submitted to his "pleasure." Such doctrines were not very palatable to the monarch: but to detail at length the rise, and progress, and issue of the altercations which followed, would weary and exhaust the patience of the reader. James complained of their presumption: they attributed the complaint to ignorance or misinformation: he contended that the privileges of the house were matters of royal favour; they, that they were the birthright of Englishmen; he assigned the decision of contested elections to his court of

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chancery; they claimed it for themselves, as essential to the government of their own estate:[30] he upbraided them with the invasion of his prerogative by making assarts, wardships, marriages, and purveyance the subjects of their debates; they repelled the charge by declaring, that their only object was to relieve the nation from an intolerable burthen, and to give to the crown more than an equivalent in annual revenue. These bickerings continued during a long and stormy session: and if the king, by his interest in the upper house, succeeded in averting every blow aimed by the puritans at the discipline of the church, he was yet unable to carry in the lower, any of the measures which he had contemplated, or to obtain a supply of money

[30] Sir Francis Godwin had been chosen knight of the shire for the county of Buckingham: but the clerk of the crown had refused to receive the return on pretence that Godwin had been outlawed; and sir John Fortescue, a member of the council, was elected in virtue of a second writ. The commons voted that Godwin was duly elected; a vote which displeased both James, who by proclamation had forbidden the choice of outlaws, and the lords of the council, who maintained the election of Fortescue. But the commons were obstinate; they refused to confer on the subject with the lords, or to submit to the contrary decision of the judges. James at length ordered them to debate the question with the judges in his presence: they obeyed, and at his suggestion agreed to a compromise, that both elections should be declared void, and a new writ issued. The victory was in reality obtained by the commons. For the speaker, by order of the house, issued his warrant for the new writ, and they have continued ever since to exercise the right which they then claimed, of deciding on the merits of contested elections. Journals of Commons, 149. 151. 156. 158. 161, 162. 171.

in addition to the accustomed vote of tonnage and poundage.[31] On one question only were all parties agreed. Fanaticism urged the puritans to persecute the catholics; and the hope of conciliation induced the friends of the crown to add their support. The oppressive and sanguinary code, framed in the reign of Elizabeth, was re-enacted to its full extent: it was even improved with additional severities. Every individual who had studied, or resided, or should afterwards study, or reside in any college or seminary beyond the sea, was rendered incapable of inheriting, or purchasing, or enjoying lands, annuities, chattels, debts, or sums of money within the realm: and, as missionaries sometimes eluded detection under the disguise of tutors, it was provided that no man should teach even the rudiments of grammar, in public or in private, without the previous approbation of the diocesan.[32]

Proceedings of convocation.

The convocation sat at the same time with the parliament: and the result of its deliberations was a code of ecclesiastical canons amounting to one hundred and forty-one. By them the sentence of excommunication ipso facto was pronounced, 1°. against all persons who should deny the supremacy of the king, or the orthodoxy of the English church; 2°. against

[31] See the journals of the lords and commons for the session, passim.

[32] Stat. 1 James, c. 4.

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all who might affirm that the book of common prayer was superstitious or unlawful, or that any one of thirty-nine-articles was in any part erroneous; or that the ordinal was repugnant to the word of God: and 3°. against all those, who should separate from the church, or establish conventicles, or assert that ecclesiastical regulations might be made or imposed without the royal consent. Then followed the laws for the celebration of the divine worship, the administration of the sacraments, the duties and residence of incumbents, and the practice of the ecclesiastical courts.[33] This new code was afterwards confirmed by letters patent under the great seal; but its authority was fiercely disputed both by the dissenters, and by the lay members of the establishment. It was contended that the clergy had no power to create offences, which should subject the delinquent to the civil punishment consequent on the sentence of excommunication: and in the next session of parliament a bill passed the commons, declaring that no canon or constitution ecclesiastical, made within the last ten years, or to be made thereafter, should be of force to impeach or hurt any person in his life, liberty, lands or goods, unless it were first confirmed by an act of the legislature. The bishops united in opposing this bill, as derogatory from the

[33] Wilkins, Con. iv. 380—405. 489. 584. 637.

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authority of the convocation, and of the king the head of the church. Several conferences took place between the two houses; but the parliament was dissolved before the third reading, and the decision of the question fell to the judges in Westminster Hall, who have often declared that, though the canons of 1604 bind the clergy by whom they were framed, they have no power to bind the people, as long as they want the approbation of the legislature.[34]

Persecution of the puritans.

When the canons were published, Bancroft, who had lately succeeded Whitgift in the see of Canterbury, called on the officiating clergy to conform. The greater part submitted: the dissidents were silenced or deprived. The puritans, however, did not tamely yield to the storm. They assembled and consulted: they solicited the protection of the council, and of the favourites: they poured in petitions and remonstrances from every quarter. But James proved inexorable; and of the petitioners several were punished with the loss of office, or the erasure of their names from the commission of peace; others were called before the council, and admonished that their obstinacy in opposing a measure which had been finally determined, amounted to an offence little short of high treason. The distress of the ejected

[34] Lords' Journals, ii. 425; Dalrymple's Memorials, i. 22—25; Somers's Tracts, ii. 14.

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ministers and of their families, the imprisonment of a few, and the voluntary exile of several, have been feelingly deplored by the puritan writers, who describe this as the most violent of persecutions. But while they make the deprived clergy amount to three hundred individuals, their adversaries reduce the number to fifty, exaggerate the obstinacy and unreasonableness of the sufferers, and claim for the prelates the praise of moderation and forbearance. The representations of both are probably too highly coloured. It must have been, that on such an occasion many cases of individual hardship, perhaps some of unjustifiable rigour, would occur: yet it will remain a difficult task to shew on what just ground men could expect to retain their livings, while they refused to submit to the doctrine, or to conform to the discipline of that church, by which they were employed.[35]

Of the catholics.

The puritans in their discontent accused the king of papistry. He persecuted, they said, the disciples, while he favoured the enemies of the gospel. James hastened to rescue himself

Feb. 22.

from the charge. Another proclamation was published, enjoining the banishment of all catholic missionaries; regulations were adopted for the discovery and presentment of recusants; and orders were sent to the magistrates to put

[35] Neal, part ii. c. i.; Collier, ii. 687; Winwood, ii. 49.

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the penal laws in immediate execution. He even deemed it expedient to deliver his sentiments in the star-chamber, to declare his detestation of popery, and to express his wish, that none of his children might succeed him, if they were ever to depart from the established church. These proceedings afforded some consolation. If one opening were closed, another was offered, to the exertions of the zealots. They were not indeed suffered to purge the church from the dregs of superstition, but they might still advance the glory of God, by hunting down the idolatrous papist.[36]

The execution of the penal laws enabled the king, by an ingenious comment, to derive considerable profit from his past forbearance. It was pretended that he had never forgiven the penalties of recusancy: he had merely forbidden them to be exacted for a time, in the hope that this indulgence would lead to conformity: his expectations had been deceived; the obstinacy of the catholics had grown with the

[36] Before I proceed to the history of the gunpowder plot, I should inform the reader that I am indebted for many of the following particulars to two manuscript narratives in the hand-writing of their respective authors: the one in English, by father John Gerard; the other an Italian translation, but enriched with much additional information, by father Oswald Greenaway. Both were Jesuit missionaries, the familiar acquaintance of the conspirators, and on that account suspected by the government of having been privy to the plot. They evidently write with feelings of compassion for the fate of their former friends; but they disclose many important particulars, which must have been otherwise unknown.

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lenity of the sovereign; and as they were unworthy of further favour, they should now be left to the severity of the law. To their dismay the legal fine of £20 per lunar month, was again demanded; and not only for the time to come, but for the whole period of the suspension: a demand which, by crowding thirteen payments into one, reduced many families of moderate incomes to a state of absolute beggary. Nor was this all. James was surrounded by numbers of his indigent countrymen. Their habits were expensive, their wants many, and their importunities incessant. To satisfy the more clamorous a new expedient was devised. The king transferred to them his claims on some of the more opulent recusants, against whom they were at liberty to proceed by law in his name, unless the sufferers should submit to compound by the grant of an annuity for life, or the immediate payment of a considerable sum. This was at a time, when the jealousies between the two nations had reached a height, of which at the present day we have but little conception. Had the money been carried to the royal coffers, the recusants would have had sufficient reason to complain: but that Englishmen should be placed by their king at the mercy of forcigners, that they should be stripped of their property to support the extravagance of his Scottish minions, this added indignity to injustice, exacerbated their already

wounded feelings, and goaded the most moderate almost to desperation.[37]

Catesby's plot.

Among the sufferers was Robert Catesby, descended from an ancient and opulent family, which had been settled during several generations at Ashby St. Legers, in Northamptonshire, and was also possessed of considerable property in the county of Warwick. His father, sir William Catesby, more than once had been imprisoned for recusancy: but the son, as soon as he became his own master, abandoned the ancient worship, indulged in all the licentiousness of youth, and impaired his fortune by his follies and extravagance. In 1598 he returned to the religion of his more early years: and from that moment, it became the chief subject

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[37] I have several papers of the time, in which the writers complain in the bitterest terms of this usage. Several curious papers on the same subject at a later period of this reign, may be seen in Birch's Life of Prince Henry, p. 220, Append. 468—479. From the Book of Free Gifts, I find that James gave out of the goods of recusants, in his first year 150*l.* to sir Richard Person; in his third, 3000*l.* to John Gibb; in his fourth, 2000*l.* to John Murray, and 1500*l.* to sir James Sandilands; in his fifth, 2000*l.* to John Auchmontie, 3000*l.* to Martin and Abraham Hardaret, 200*l.* to John Potten; in his eleventh, 3000*l.* to Charles Chambers, 6000*l.* to the Lord of Loreston, 2000*l.* to sir William Wade, 1000*l.* to sir Ralph Bowes, 1000*l.* to sir Richard Wigmore, 4000*l.* to sir James Simple and Thomas Lee, and 3000*l.* to sir Hugh Beeston. But the grantees of this year resigned their grants, and received one quarter of the original sums from the Exchequer. See Abstract of his Majestie's Revenue, London, 1651, pp. 17—30. I suspect, however, that these gifts were of a different nature from those mentioned in the text: they were determinate sums out of fines already levied.

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of his thoughts to liberate himself and his brethren from the iron yoke under which they groaned. With this view, having previously stipulated for liberty of conscience, he joined, together with several of his friends, the earl of Essex; and in the ill-directed attempt of that nobleman was wounded, taken, and committed to prison. He had, indeed, the good fortune to escape the block; but was compelled to purchase his liberty with the sum of three thousand pounds. After his discharge he attached himself, through the same motive, to the Spanish party among the catholics, and bore a considerable share in their intrigues to prevent the succession of the Scottish monarch. When these had proved fruitless, he acquiesced in the general opinion of his brethren, and cherished with them the pleasing hope of indulgence and toleration. But the delusion soon vanished: in every quarter it was easy to discern the gathering of the storm, which afterwards burst upon their heads: and Catesby, reverting to his original pursuit, revolved in his mind every possible means of relief. To succeed by insurrection he saw was hopeless: the catholics were the weaker party, and disunited among themselves; to look for sufficient aid from the princes abroad was equally visionary: the king of France, the king of Spain, and even the pontiff, all professed themselves the friends of James. At length there suggested itself to his mind a plan, which

required not the help of foreigners, nor the co-operation of many associates, but a plan so atrocious in principle, and so sanguinary in execution, that it is difficult to conceive how it could be harboured in the mind of any human being: to blow up the parliament house with gunpowder, and to involve in one common destruction, the king, the lords, and the commons, all those who framed, with the chief of those who executed, the penal laws against the English catholics.[38]

His associate Winter.

The person to whom Catesby first opened his mind, was an intimate friend, Thomas, the younger brother of Robert Winter, of Huddington, in Worcestershire. In his youth he had served as a volunteer in the army of the states: afterwards he had been repeatedly employed at the court of Madrid, as agent of the Spanish party in England. Winter was struck with horror at the communication: he hesitated not to pronounce the project most wicked and inhuman. But Catesby attempted its justification. He sought not, he observed, any private

March.

[38] Persons, however, observes, that this was not the first gunpowder plot. "There be recounted in histories many attempts of "the same kynds, and some also by protestants in our dayes: as "that of them, who at Antwerp placed a whole barke of powder in "the great street of that citty, where the Prince of Parma with his "nobility was to passe: and that of him in the Hague, that would "have blown up the whole councel of Hollande, upon private re-"venge." Letter touching the New Oath of Allegiance, sect. i. v. apud Butler, Historical Memoirs, i. 266, first edition.

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revenge or personal emolument. His sole object was to suppress a most unjust and barbarous persecution by the only expedient which offered the prospect of success. There could be no doubt that it was lawful, since God had given to every man the right of repelling force by force. If his friend thought it cruel, let him compare it with the cruelties exercised during so many years against the catholics; let him reckon the numbers that had been butchered by the knife of the executioner; the hundreds who had perished in the solitude of their prisons; and the thousands that had been reduced from affluence or ease to a state of want or beggary. He would then be able to judge where the charge of cruelty could with justice be applied.[39]

This was at the time when Velasco, the constable of Castile, had arrived in Flanders, to conclude a peace between England and Spain. The two friends after a long discussion, resolved to postpone their direful purpose till they had solicited the mediation of the Spaniard with their sovereign. With this view Winter repaired to Bergen, near Dunkirk, where a private conference with the ambassador convinced him, that though he might speak in favour of the English catholics, he would make no sacrifice to purchase for them the benefit of toleration.

[39] Greenway's MS. p. 30.

From Bergen, Winter hastened to Ostend, where he met with Guy Fawkes, a native of Yorkshire, and a soldier of fortune. Fawkes had long served in the Netherlands, had borne an important command under sir Thomas Stanley, and had visited Madrid in company with Winter, as agent for the exiles of the Spanish party. His courage, fidelity, and military experience pointed him out as a valuable auxiliary. He consented to return with Winter to England, April 22. but was kept for some time in ignorance of the part which he was designed to act.[40]

Other accomplices.

Before their arrival, Catesby had communicated the plan to two others, Percy and Wright. Thomas Percy was a distant relation and steward to the earl of Northumberland. He had embraced the catholic faith about the same time as Catesby, and had shared with him in the disastrous enterprise of Essex. But afterwards he opposed Catesby's associates of the Spanish faction, visited James in Edinburgh, and, in consequence of his promises, laboured with success to attach the leading catholics to the cause of the Scottish monarch.[41] Subse-

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[40] See Winter's confession in "The Gunpowder Treason, with a "Discourse of the Manner of its Discovery, 1679," pp. 48—50; Greenway's MS. 36.

[41] There can be no doubt that Percy thus represented the answer of James, though the king afterwards denied that he had any authority for it. When the earl of Northumberland was examined whether he had ever affirmed that he could dispose of the catholics

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quent events induced Percy to look on himself as the dupe of royal insincerity; he presented a remonstrance to the king, but received no answer; and while his mind was agitated by resentment on the one hand, and by shame on the other, Catesby seized the favourable moment to inveigle him into the conspiracy. At first he demanded time to deliberate: but the desire of revenge, and the hope of averting the evils which he had unintentionally contributed to bring on his brethren, won his consent; and he offered as a useful associate his brother-in-law, John Wright, formerly a follower of Essex, and noted as the best swordsman of his time, who had lately become a catholic, and on that account had been harassed with prosecutions and imprisonment. The conspirators were now four: after

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of England, he answered thus: "He denieth that he ever affirmed "any such matter, but sayeth, that when Percy came out of Scot- "land from the king, (his lo. having written to the king, where his "advice was to give good hopes to the catholiques, that he might "the more easilie, without impediment, come to the crown,) then "returning from the king, he sayed, that the king's pleasure was, "that his lordship should give the catholiques hopes that they should "be well dealt withal, or to that effect: and it may be he hath told "as much as the king said." Interrogatories of the 23d of November, in the State Paper Office.—The letter to which the earl alludes has been published by Miss Aikin, in her Court of James I. p. 253; and in it occurs the following passage: "I will dare to say no more, "but it were pity to lose so good a kingdom for not tolerating mass "in a corner, if upon that it resteth." As for the denial of James, it is undeserving of credit. There are too many instances on record, in which he has denied his own words.

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May 1.

a short trial Fawkes was added to the number; and all five, having previously sworn each other to secrecy, received, in confirmation of their oath, the sacrament from the hand of the jesuit missionary, father Gerard.[42]

James rejects the intercession of the Spanish king.

But, though they had thus pledged themselves to adopt the sanguinary project suggested by Catesby, its execution was still considered as distant and uncertain. They cherished a hope that James might listen to the prayers of Velasco, that his eagerness to conclude a peace with the catholic king might induce him to grant at least the liberty of private worship to his catholic subjects. The English

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[42] This fact was brought to light by the confessions of Winter and Fawkes, who out of the five were the only two then living. But they both acquit Gerard of having been privy to their secret. Winter says, that "they five administered the oath to each other in a "chamber, in which no other body was," and then went into another room to receive the sacrament. Winter's Confession, p. 50. Fawkes, that "the five did meet at a house in the fields beyond St. Clement's "Inn, where they did confer and agree upon the plot, and there "they took a solemn oath and vows by all their force and power to "execute the same, and of secrecy not to reveal any of their fellows, "but to such as should be thought fit persons to enter into that "action; and in the same house they did receive the sacrament of "Gerard the Jesuit, to perform their vow and of secrecy aforesaid. "But that Gerard was not acquainted with their purpose." See the fifth examination of Fawkes, taken November 9th, and subscribed by him Nov. 10th, in the State Paper Office. It was read at the trial, with the exception of the part exculpating Gerard. Before that in the original is drawn a line, with the words *huc usque*, in the handwriting of sir Edward Coke, who was unwilling to publish to the world a passage, which might serve to the justification of one whom he meant to accuse.

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and Spanish commissioners had already assembled; and though both assumed a tone of indifference—though they brought forward the most irreconcileable pretensions, it was well known that their respective sovereigns had determined to put an end to the war, whatever sacrifices it might cost. After repeated conferences for the space of two months, the treaty was concluded. It restored the relations of amity between the English and Spanish crowns; revived the commercial intercourse which had formerly subsisted between the nations; and left to the equity of James the disposal of the cautionary towns in Holland, if the states did not redeem them within a reasonable time.[43] The constable now interposed the solicitations of his sovereign in behalf of the English catholics; and assured James that Philip would take every indulgence granted to them as a favour done to himself. At the same time to second his endeavours, the catholics made to the king the voluntary offer of a yearly sum in lieu of the penalties payable by law; and attempted to move the pity of the archbishop and of the council, by laying before them a faithful representation of the distress to which numbers of respectable families had been reduced, by their conscientious adherence to the faith of their fathers. But the king, under the advice of his

Aug 18.

[43] Rymer, xvi. 585. 617.

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ministers, was inexorable: he assured Velasco, that even if he were willing, he dared not make a concession so offensive to the religious feelings of his protestant subjects. The judges and magistrates received fresh orders to enforce the immediate execution of the penal laws; measures were adopted for the more certain detection of recusants; and a new commission was appointed for the banishment of all catholic missionaries.[44] These proceedings, following in rapid succession, extinguished the last ray of hope in the breasts of the conspirators. They exhorted each other to hazard their lives, like the Maccabees, for the liberation of their brethren: they hastened to execute that plan, which appeared to be their only resource; and they pronounced it a lawful retribution to bury the authors of their wrongs amidst the ruins of the edifice in which laws so cruel and oppressive had been devised and enacted.[45]

Aug. 14.

On inquiry they found contiguous to the old palace of Westminster an empty house, with a garden attached to it, exactly adapted to their purpose. It was hired by Percy under pretence of convenience, because his office of gentleman pensioner occasionally compelled him to reside in the vicinity of the court. For three months he was kept out of possession by

The conspirators work at the mine.

[44] Rymer, xvi. 597. More, 309. Gerard's MS. 36. Greenway's MS. 35. [45] Lords' Journals, 358.

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the commissioners for a projected union between England and Scotland; but at their departure

Dec. 11. he secretly introduced his associates, who again swore to be faithful to each other at the risk of their own lives. On one side of the garden stood an old building raised against the wall of the parliament house. Within this they began to open the mine, allotting two thirds of the twenty-four hours to labour, and the remaining third to repose; and dividing the task among themselves in such manner, that while one enjoyed his portion of rest, the other three were occupied in the work, which, during the day consisted in excavating the mine—during the night in concealing the rubbish under the soil of the garden. Fawkes had a different employment: as his person was unknown, he assumed the name of Johnson, gave himself out as the servant of Percy, and kept a constant watch round the house. When a fortnight had been thus devoted to uninterrupted labour, Fawkes informed his associates

Dec. 24. that the parliament was prorogued from the seventh of February to the third of October. They immediately separated to spend the Christmas holidays at their respective homes, with an understanding that in the interval they should neither write nor send messages to each other.[46]

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[46] Winter's Confession, 51—53. Gerard, 36. Greenway, 36.

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Before this, however, Catesby had discovered a disposition in his fellow labourers to question the lawfulness of the enterprise. That they had a right to destroy those who sought to destroy *them*, was admitted: but what, it was asked, could be said in justification of the murder of those friends and catholics who must be enveloped in the same fate with their enemies? The recurrence of the question produced in him alarm and irritation. If he was able by his vehemence to silence their inquiries, he did not convince their consciences: he saw that higher authority was required; and this he sought with that secrecy and cunning which marked the whole of his conduct. The king had granted permission to sir Charles Percy to raise a regiment of horse for the service of the archduke; and Catesby, through the earl of Salisbury, had obtained the royal licence to accept a captain's commission. It served him as a pretence to provide arms and horses for his own use; and it also supplied him with the means of seeking a solution of the difficulty suggested by his friends, without the danger of betraying the secret. To Garnet, the provincial of the jesuits, he observed in the presence of a large company, that he was about to engage in the service of the archduke: of the justice of the war he had no doubt; but he might be commanded to partake in actions in which the

Catesby proposes a case to Garnet.

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innocent would necessarily perish with the guilty—unarmed women and children with armed soldiers and rebels. Could he in conscience obey? Would not the fate of the innocent render his conduct unlawful in the sight of the Almighty? Garnet replied that, according to divines of every communion, obedience in such cases was lawful; otherwise it would at all times be in the power of an unjust aggressor to prevent the party aggrieved from pursuing his just right. This was sufficient: the new theologian applied the answer to the intended plot, and boasted to his associates that their objection was now proved to be a weak and unfounded scruple.[47]

Percy hires a cellar under the parliament house.

During the recess he had imparted his secret to Christopher, the brother of John Wright, and to Robert the brother of Thomas Winter. The first had lately become a convert to the catholic faith; both had suffered imprisonment for their religion. With this accession to their number, the conspirators resumed their labour; but their progress was retarded, and their

1605. Jan. 30.

[47] According to sir Edward Coke, whose object it was to connect Garnet with the conspiracy, the question was proposed in these terms: "whether for the good and promotion of the catholic cause "against heretics, it be lawful or not among many nocents to destroy "some innocents also." Gunpowder Treason, p. 165. But of this assertion he never attempted to adduce any proof: and not only Garnet, but also Greenway, who was present, declare that the case proposed was that which I have mentioned above. Greenway, 40—42.

hope checked by unexpected difficulties. The influx of water at a certain depth rendered it impossible to carry the mine under the foundation; and to pierce through a wall three yards thick, and composed of large stones, was no easy task to men unaccustomed to manual labour. Still they persevered; and the perforation daily proceeded, till they were alarmed one morning by a considerable noise, which appeared to come from a room almost over their heads. Fawkes, on inquiry, learned that it was a vaulted cellar, which lay under the house of lords, and would in a few days be unoccupied. This fortunate discovery filled them with joy: the mine was abandoned: Fawkes hired the cellar in the name of his pretended master; and into it were conveyed, under the cover of the night, several barrels of gunpowder, which had been collected in a house at Lambeth. To elude suspicion, these were concealed under stones, billets of wood, and different articles of household furniture; and the conspirators having completed their preparations, separated to meet again in September, a few days before the opening of parliament.[48]

Mar. 25.

In the mean time the persecution, which had commenced in the preceding year, daily encreased in severity. Nocturnal searches for

Severity of the persecution.

[48] Winter's Confession, 55. Gerard, 42. Greenway, 45.

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the discovery of priests were resumed with all that train of injuries, insults, and vexations, which characterized them in the reign of Elizabeth.[49] The jails were crowded with prisoners; and some missionaries and laymen suffered, more were condemned to suffer, death for religious offences.[50] The officiating clergy

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[49] "For then not only in the shires and provinces abroad, but "even in London itselfe and in the eyes of the court, the violence "and insolency of continuall searches, grew to be such as was "intollerable; no night passing commonly, but that soldiours and "catch-poles brake into quiet men's houses, when they were asleepe: "and not only carried away their persons unto prisons at their "pleasure, except they would brybe excessively, but whatsoever "liked them best besydes in the house. And these searches were "made with such violence and insolency, as divers gentlewomen "were drawne, or forced out of their beds, to see whether they had "any sacred thing, or matter belonging to the use of catholic "religion, either about them, or under their bedds."—Persons' judgment of a catholic Englishman. 8vo. 1608.

[50] Sugar, a priest, Grissold, Baily, Wilbourne, Fulthering, and Brown, laymen, were executed. Hill, Green, Tichbourne, Smith, and Briscow, priests, and Skitel, a layman, received sentence of death, but were reprieved at the solicitation of the French and Spanish ambassadors, and afterwards sent into banishment. One of the latter had been condemned by sergeant Philips for having only received a jesuit into his house. The sentence was thought illegal; and Pound, a catholic gentleman, complained to the council. Instead of redress he was called before the lords in the star-chamber, who "declared the condemnation to be lawfull, condemned Pound "to lose one of his ears here in London, and the other in the "country where he dwelleth, to fine 1000*l.* and to endure perpetual "imprisonment, if he impeach not those that advised him to com-"mence his suite; and if he would confess, this sentence should be "revoked, and their lordships would otherwise determine according "to reason. In the mean time Pound lyeth a close prisoner in the "Tower." Winwood, ii. p. 36. The queen interceded for Pound,

were bound under ecclesiastical penalties to denounce all recusants living within their respective parishes;[51] and courts were held every six weeks to receive informations, and to convict offenders. The usual penalties were enforced with a rigour, of which former persecutions furnished no precedent; and the recusants, in the middle classes of life, were ground to the dust by the repeated forfeiture of all their personal estates, with two thirds of their lands and leases.[52] To reduce the higher ranks to an equality with their more indigent brethren, the bishops received orders, at the suggestion of the chancellor, to excommunicate the more opulent

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but James forbad her evermore to open her mouth in favour of a catholic. Some time afterwards the French and Venetian ambassadors remonstrated on the severity of the sentence, and Pound, having stood a whole day in the pillory in London, was allowed to depart to his own house at Belmont in Hampshire. Bartoli, 64. Eudæmon Joannes, 238.

[51] Wilk. Con. iv. 400. can. cxiv. 411.

[52] These penalties were exacted with such rigour by the bishops of Hereford and Landaff, that in the sole county of Hereford 409 families suddenly found themselves reduced to a state of beggary. It required but little additional provocation to goad men in such extremity to acts of violence: a curate had refused to allow the interment of a catholic woman in the church-yard, under pretence that she was excommunicated. Her friends buried her by force: they repelled the civil officers by help of other catholics: their numbers rapidly encreased, and the two persecuting prelates were compelled to flee for their lives: the earl of Worcester, a catholic, hastened from court to appease the tumult; and his efforts were aided by messengers from the missionaries, and other catholics in the neighbouring counties. Lodge, iii. 293. Bartoli, 476. See also Garnet's letter, Note (B.) Eudæmon Joannes, 135.

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or more zealous catholics within their dioceses, to certify their names into the chancery, and to sue for writs de excommunicato capiendo, by which the delinquents would become liable to imprisonment and outlawry; incapable of recovering debts, or rents, or damages for injuries; of making sales or purchases; or of conveying their estates by deed or will.[53] To add to their terrors, a report was spread, that in the next parliament measures would be adopted to ensure the total extirpation of the ancient faith; and the report seemed to be confirmed by the injurious epithets which the king in his daily conversation bestowed on the catholics, by the menacing directions of the chancellor in the star chamber, and by the hostile language of the bishop of London in his sermon at St. Paul's cross.

June 20.
August 5.

Catesby receives more associates.

It was with secret satisfaction that Catesby viewed these proceedings. He considered his

[53] Wilk. Con. iv. 411. "Our gracious king hitherto forbears "to draw blood of the catholiques (this was not exactly true), no "civill practise tending to conspiracy or treason having yet appeared "either by their doctrine or their dispensations; but whensoever "they shall hault in dutie, the king means (as he hath cause) to "proceed to justice. In the mean time they pay their two parts "more roundly than ever they did in the time of the late queen, not "any one as I think being left out, or like to be left out before "Michaelmas; and besides like to fall into church censures of "excommunication, with the penalties thereunto belonging, which "were not felt formerly." Northampton's letter, July, 1605, in Winwood, ii. 95. I must be excused the length of these quotations, because it has been pretended that at this period the catholics were not persecuted, but favoured.

victims as running blindly to their own destruction, and argued that the more the catholics suffered, the more readily they would join his standard after the explosion. As the time approached, he judged it necessary to add four more to the number of his accomplices. These were Bates, his confidential servant, whom he employed to convey arms and ammunition into Warwickshire; Keys, an intimate friend, irritated by the forfeiture of his property, and distinguished by his boldness and resolution; Grant, whose house at Norbrook was conveniently situated for the subsequent operations of the conspirators; and Ambrose Rookwood, of Stanningfield, in Suffolk, who could furnish a stud of valuable horses. Fawkes, as his services were not immediately wanted, repaired during the interval to Flanders. He was instructed to procure secretly a supply of military stores; and (which was of still greater importance) to intrigue with the officers of the English regiment in the pay of the archduke. Several of these, bold and needy adventurers, owed their commissions to the influence of Catesby. To them he sent advice that the English catholics, if they could not obtain redress by petition, would seek it by the sword: and he conjured them in that case to hasten to the aid of their brethren, with as many associates as they could procure. The proceedings of Fawkes, though conducted with caution, did not entirely escape

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notice; and Cecil was repeatedly warned from France and Flanders, that the exiles had some clandestine enterprise in hand, though the object and names of the conspirators had not been discovered.[54]

His object suspected.

At home Catesby was indefatigable in the prosecution of his design. But though he might rely with confidence on the fidelity of his accomplices, he knew not how to elude the scrutinizing eyes of his more intimate friends. They noticed the excited tone of his conversation, his frequent and mysterious absence from home, and his unaccountable delay to join the army in Flanders. Suspicion was awakened, and Garnet, the superior of the jesuits, who had received orders from the pope and from his general to discountenance any attempt of the

August.

catholics to disturb the public tranquillity, seized the first opportunity to inculcate at the table of Catesby the obligation of submitting to the pressure of persecution, and of leaving the redress of wrongs to the justice of heaven. Catesby could not restrain his feelings. "It is to you, and such "as you," he exclaimed, "that we owe our pre- "sent calamities. This doctrine of non-resist- "ance makes us slaves. No authority of priest "or pontiff can deprive man of his right to repel "injustice." The jesuit replied; a private con-

[54] Winter's confession, 56. Greenway, 53—56. Winwood, ii. 172. Birch's Negociations, 233. 248. 251. 255.

ference followed; and Catesby offered to reveal his secret to the fidelity of his friend. But Garnet refused to hear him, and after much altercation it was agreed, that sir Edward Baynham, who was on the point of proceeding to Italy, should be solicited to explain the sufferings of the catholics, and to request the advice of the pontiff. In this conclusion each party sought to overreach the other. Catesby's object was to silence Garnet, and to provide an agent at Rome, whom he might employ as soon as the explosion had taken place. Garnet persuaded himself that he had secured the public tranquillity for a certain period, before the expiration of which he might receive from the pope a breve prohibitory of all violent proceedings.[55]

Parliament prorogued.

Fawkes, having completed his arrangement in Flanders, returned to England in September; and immediately afterwards it was announced that the parliament would again be prorogued from October to the fifth of November. This disappointment alarmed the conspirators: it

[55] Sir Edward Coke at the trial gave a different account of this transaction; but he made no attempt to bring forward any proof of his statement. I write from the manuscript relation of Greenway (p. 42) who was present. Eudæmon Joannes asserts the same from the mouths of the persons concerned. Apologia, 251. Garnet on his trial explained it in the same manner, and his explanation is fully confirmed by the letter which he wrote to his superior in Rome on July 24, immediately after his last conference with Catesby. It may be seen in App. note (B.)

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was possible that their project had been discovered; and, to ascertain the fact, Winter was employed to attend in the parliament house, and to watch the countenances and actions of the commissioners during the ceremony of prorogation. He observed that they betrayed no sign of suspicion or uneasiness; that they walked and conversed in apparent security on the very surface of the volcano prepared for their destruction. Hence it was inferred, that they must be still ignorant of its existence.[56]

Sir Everard Digby.

It is, however, to these successive postponements that the failure of the plot must be attributed. None of the conspirators, if we except Catesby, were rich. Many of them, for the last twelve months, had depended on his bounty for the support of their families; the military stores had been purchased, and every preparation had been made at his expense. But his resources were now exhausted; and the necessity of having a large sum of money at his disposal against the day of the explosion, compelled him to trust his secret to two catholic gentlemen of considerable opulence. The first was a young man of five and twenty, sir Everard Digby, of Drystoke, in Rutlandshire. At an early age he was left by the death of his father a ward of the crown, and had in conse-

[56] Greenway's MS. p. 60.

quence been educated in the protestant faith. From the university he repaired to the court, where he attracted the notice of Elizabeth; but the year before her death, he turned his back to the bright prospect which opened before him, and retiring to his estates in the country, embraced the religion of his fathers. It was with difficulty that he could be induced to join in the conspiracy. Catesby made use of his accustomed arguments; shewed him a passage in a printed book, from which he inferred that the attempt was lawful; and assured him that the fathers of the society had approved of it in general, though they knew not the particulars.[57] By degrees the doubts and misgivings of the unfortunate young man were silenced: he suffered himself to be persuaded, promised to contribute a sum of £1500, and undertook to invite, about the time of the opening of parliament, most of his catholic friends to hunt with him on Dunmoor, in Warwickshire.

Francis Tresham.

The second was Francis Tresham, who, on the

[57] See Digby's letters at the end of the Gunpowder Treason, p. 249. 251. "I saw," he says, "the principal point of the case "judged in a Latin book of M. D. my brother's (Gerard's) father in "law." p. 249. (Perhaps it should be N. D. the initials under which Persons, Gerard's superior, had published several works.) Garnet in an intercepted letter, furtively written to a friend from the Tower, says: "Master Catesby did me much wrong. He told them "(his accomplices) that he asked me a question in Q. Elizabeth's "time of the powder action, and that I said it was lawful: all which "is most untrue. He did it to draw in others." Original in the state paper office.

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death of his father in September last, had succeeded to a large property at Rushton, in Northamptonshire. He had formerly been the associate of Catesby and Percy in the attempt of the earl of Essex, and had since that time borne his share of persecution on account of his religion. His character was fully known. He had nothing of that daring spirit, that invincible fidelity, which alone could have fitted him to be an accomplice in such an enterprise. He was by nature cold and reserved—selfish and changeable. But his pecuniary resources offered a temptation not to be resisted: and the conspirators, having administered the usual oath, confided to him their secret, and extorted from him a promise of aiding them with £2000. But from that moment Catesby began to feel apprehensions, to which he had hitherto been a stranger. His mind was harassed with doubts of the fidelity of his new colleague; and his rest was broken by dreams of the most fearful and ominous import.[58]

Oct. 14.

Plan of the conspirators.

At this time their plan of operations was finally arranged. 1°. A list was made of all the peers and commoners whom it was thought

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[58] Winter's confession, 56. Greenway's MS. 57, 58. Digby and Tresham were admitted about the beginning of October, but I know not whether before or after the prorogation of the 3d. Besides the money promised by these gentlemen, Percy engaged to give them the earl of Northumberlands's rents, about 4000*l*. Winter's confession, 56.

desirable to save on account of their religion, or of their previous opposition to the penal enactments, or of the favour which they had hitherto shewn to the catholics. It was resolved that each of these, if he were in London, should receive on the very morning a most urgent message, which might withdraw him to a distance from Westminster, and at so late an hour that the artifice should not be discovered till the blow had been struck.[59]

2°. To Guy Fawkes was allotted the desperate office of firing the mine. A ship in the river had been provided at the expense of Tresham, to convey him immediately to Flanders, where he was instructed to publish a manifesto in defence of the act, and to dispatch letters invoking the aid of all the catholic powers. It was also hoped that, in consequence of his previous intrigues, he would be able to send back by the same vessel a valuable supply of ammunition and volunteers.

3°. To Percy, as one of the gentlemen pensioners, it would be easy to enter the palace without exciting suspicion. His task was to

[59] Greenway, 39. Winter's confession, 54. "Divers were to "have been brought out of danger, which now would rather hurt "them than otherwise. I do not think there would have been three "worth saving that should have been lost. You may guess that I "had some friends that were in danger which I prevented; but "they shall never know it." Digby's letter to his wife, at the end of the Gunpowder Treason, p. 251.

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obtain possession of the young prince Charles, to take him under pretext of greater safety to a carriage in waiting, and thence to conduct him to the general rendezvous of the conpirators.

4°. That rendezvous was Dunchurch; whence Digby, Tresham, Grant, and their associates, were to proceed to the house of lord Harrington, and to possess themselves of the infant princess Elizabeth.

5°. Catesby undertook to proclaim the heir apparent at Charing cross: and, on his arrival in Warwickshire, to issue a declaration, abolishing the three great national grievances of monopolies, purveyance, and wardships.

6°. It was agreed that a protector (his name was never suffered to transpire) should be appointed, to exercise the royal authority during the nonage of the new sovereign.

But what, the reader will ask, was to follow from the execution of this plan? Could twelve private individuals, without rank or influence, and stained, as they would be, with the blood of so many illustrious victims, rationally expect to control the feelings of an exasperated people, to establish a regency, to procure a parliament devoted to their purposes, and to overturn that religious establishment which had now existed half a century? To a sober reasoner the object would have appeared visionary and unattainable: but *their* passions were inflamed—

their imaginations excited: revenge, interest, enthusiasm urged them forward; they smiled at the most appalling obstacles, and in defiance of all probability, persuaded themselves, that the presence of the royal infants would give a sanction to their cause; that many protestants, and most catholics, that disbanded officers and military adventurers, that all to whom a revolution offered the prospect of wealth and honour, would hasten to their standard; and that of their enemies the most formidable would have perished in the explosion—the rest, overwhelmed with terror and uncertainty, would rather seek to escape notice, than to provoke destruction by acts of hostility.[60]

The plot revealed to Garnet.

Garnet, ignorant of these proceedings, still cherished a hope that by his conference with Catesby he had induced that conspirator to suspend, if not to abandon his criminal intention.[61] He was quickly undeceived. Catesby, whatever he might pretend to his associates, felt occasional misgivings of conscience, and on that account resolved to open the whole matter in confession to Greenway. That jesuit, if we may believe his solemn asseveration,

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[60] Digby's letters, 249, 250. Greenway's MS. 58, 59.

[61] Thus as late as the 28th of August, he wrote to Persons: "For "any thinge wee can see, catholicks are quiet, and likely to conti- "new their oulde patience, and to truste to the kynge and his sone "for to rimidie al in tyme." Gerard, 46. He repeatedly asserted the same at his trial.

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condemned the design in the most pointed terms. But Catesby was not to be convinced: to every objection he had prepared an answer; and in conclusion he solicited Greenway to procure the opinion of his provincial, under the secrecy of confession. With this view the jesuit applied to Garnet, and received in return a most severe reprimand. He had done wrong to entertain any mention of so dangerous a project: he had done worse in imparting it to another. Nothing now remained but to divert the conspirator from his sanguinary purpose. Let him therefore employ every argument, every expedient in his power: but at the same time, let him be careful to keep the present conversation secret from every man living, even from Catesby himself.[62]

October.

This communication, however, plunged the unfortunate provincial into the deepest anxiety. Against his will, and in defiance of the precautions which he had taken, he was become privy to the particulars of the plot; and that plot he found to exceed in atrocity, whatever the most fearful mind could have anticipated. The explosion, with its consequences, perpetually presented itself to his imagination: it disabled him from performing his missionary duties by day—it haunted his slumbers by night. Worn

[62] I take these particulars from Greenway, who asserts their truth, "on his salvation," MS. 109, and from his oral account to Eudæmon Joannes, Apologia, 259, 260. 290.

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out with solicitude he determined to try his own influence, and hastened from Harrowden, the seat of lord Vaux, to Coughton, in Warwickshire, where he was in expectation of again meeting with Catesby. But it was too late: an event had occurred to detain that conspirator in the neighbourhood of the metropolis.[63] Nov. 1.

Tresham hesitates.

With Fawkes in his company Catesby had gone to White Webbs, a house near Enfield chase: where, while he was engaged in consultation with Winter, he received an unexpected visit from Tresham. There was an embarrassment in the manner of this new associate, a visible effort at concealment, which alarmed his two friends. He pleaded most earnestly that warning of the danger should be given to lord Mounteagle, who had married his sister. In addition he suggested a further delay. He could not, he said, furnish money, unless he were allowed time to accomplish certain sales to the amount of £16,000: but the explosion might take place with as much effect at the close as at the opening of parliament;

[63] It is plain from Garnet's letter of the 4th of October, in Appendix (note C) that he knew not then of the plot even from Greenway; before the end of the month he went to Coughton, I therefore fix the date of this communication to him to the 21st or 22d. On the 21st he arrived, in the company of two maiden ladies, aunts to lord Vaux, at the house of that young nobleman; and found there sir Everard Digby, Catesby, Greenway, and Gerard. See Gerard's MS. 81. Greenway's MS. 85, 86.

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and the conspirators for greater security might make use of his ship which lay in the Thames, and spend the interval in Flanders. The proposal confirmed the suspicions of Catesby: but he deemed it prudent to dissemble, and, after some objections, pretended to acquiesce. Whether Tresham was deceived or not, is uncertain: his real object was, if we may believe himself, to break up the conspiracy without revealing the names of his associates.[64]

Letter to lord Mounteagle.

In the course of a few days, lord Mounteagle ordered a supper to be prepared, not at his residence in town, but at a house belonging to him at a short distance from London—a circumstance so unusual, that it excited much surprise

Oct. 26.

in his family. While he sate at table a letter was delivered to him by one of his pages, who had received it from a tall man, whose features he did not recognise in the dark. Mounteagle opened the letter, and seeing that it was without date or signature, and written in a disguised hand, ordered a gentleman in his service to read it aloud. It was as follows:—

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[64] The date of this interview is uncertain. It must have happened between the 14th and the 26th of October. I have obtained the particulars from Greenway's MS. 67. who writes on the authority of Catesby, from the sixth examination of Fawkes on the 16th, and from that of Tresham on the 13th of November. The letter declares that his real object was to put an end to the plot. "This was the "only way that I could resolve on to overthrow the action, to save "their lives, and to preserve my own fortunes, lyffe, and repu-"tation." Both examinations are in the State Paper Office.

"my lord out of the love i heave to some of
"youer frends i have a caer of youer preserva-
"cion therefor i would advyse yowe as yowe
"tender youer lyf to devyse some exscuse to
"shift of youer attendance at this parleament
"for god and man hath concurred to punishe
"the wickednes of this tyme and thinke not
"slightlye of this advertisment but retyere
"youre self into youre contri wheare yowe
"maye expect the event in safti for thowghe
"theare be no apparance of anni stir yet i saye
"they shall receyve a terribel blowe this par-
"leament and yet they shall not seie who hurts
"them this cowncel is not to be contemned be-
"cause it may do yowe good and can do yowe
"no harme for the danger is passed as soon as
"yowe have burnt the letter and i hope god
"will give yowe the grace to mak good use of it
"to whose holy protection i comend yowe."[65]

[65] Archæologia, xii. 200. It may be asked, who was the writer of this letter? Instead of enumerating the different conjectures of others, I will relate what seems, from Greenway's manuscript, to have been the opinion of the conspirators themselves. They attributed it to Tresham, and suspected a secret understanding between him and lord Mounteagle, or at least the gentleman who was employed to read the letter at table. They were convinced that Tresham had no sooner given his consent, than he repented of it, and sought to break up the plot without betraying his associates. His first expedient was to persuade them to retire to Flanders in the ship which he had hired in the river. He next wrote the letter: and took care to inform them on the following morning that it had been carried to the secretary, in hope that the danger of discovery would induce them to make use of the opportunity of escape. In this he would undoubtedly have succeeded, had not his cunning been defeated by the superior cunning

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The following day the very individual who had been requested to read the letter, called on Thomas Winter, one of the conspirators.

Oct. 27. He related to him the occurrence of the preceding evening; added that his lord had laid the mysterious paper before the secretary of state; and ended by conjuring him, if he were a party to the supposed plot, to provide for his safety by immediate flight. It was a trying moment to Winter: he endeavoured to master his feelings, assumed a tone of levity, and ridiculed the affair as a hoax on the credulity of

Oct. 28. lord Mounteagle. But as soon as he could leave his house unobserved, he hastened to White Webbs, and communicated the alarming intelligence to his colleague. Catesby, however, was unwilling to despair. He agreed with Winter that Tresham was the writer of the letter. But had he done any thing more? Had he revealed the particulars of the plot, or the names of the conspirators? Till that were ascertained, he would hope for the best, and continue to defy the policy and the conjectures of the secretary.

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of Cecil, who allowed no search to be made in the cellar. From that moment Tresham avoided all participation in their counsels; and when they fled, he remained in London, and shewed himself openly. He was afterwards apprehended on the confession of some of the prisoners, and died in the Tower before the end of the month. "Bishop Goodman, in his answer to Weldon's court of king James, "saith that Tresham sent the letter." Somers' Tracts, ii. 104.

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Three days later, in consequence of a most urgent message, Tresham ventured to meet Catesby and Winter in Enfield chase. Their resolve was fixed: had he faultered or changed countenance, that moment would have been his last. But he repelled the charge of perfidy with spirit; and maintained his innocence with so many oaths and protestations, that they hesitated to take his life on no better ground than bare suspicion. Oct. 31.

Doubts of the conspirators.

On their return they dispatched Fawkes to examine the cellar. He found every secret mark as he had left it. It was plain that no search had yet been made, and hence it was inferred that no information of the mine had been given. They now for the first time imparted to him the intelligence. He complained of their previous silence as arguing a distrust of his courage; and, to prove that he felt no apprehensions, engaged to revisit the cellar once every day till the fifth of November.[66]

Nov 1.

The king, who had been hunting at Royston, at last returned. He repeatedly perused the letter, and spent two hours in consultation with his ministers.[67] This information, but nothing

[66] I am indebted for all these particulars to the narration of Greenway, p. 62. who learned them from the conspirators themselves, whom he visited on the sixth of November. See also Winter's Confession, 57, 58.

[67] James, in his speech to the parliament on November 9, (Lords' Journals, ii. 358) and in his own works, published by bishop Mon-

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more, was conveyed to Winter by the same attendant on lord Mounteagle. Winter sought a second interview with Tresham at his house in Lincoln's Inn walks, and returned to Catesby with the following answer: that the existence of the mine had been communicated to the ministers. This Tresham said he knew; but by whom the discovery had been made, he knew not. A council of the conspirators was held. Some proposed to flee immediately to Flanders—others refused to give credit to Tresham. They oscillated from one opinion to another, and finally determined to await the arrival of Percy.

They resolve to persevere.

Percy exerted all his powers to confirm the resolution of his associates. He reminded them of the pains which they had taken, of the difficulties which they had overcome. They were now on the point of reaping the fruit of their labour: would they forfeit it on a mere conjecture—on the credit of a recreant colleague, who, to extricate himself from danger, had pro-

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tague, takes to himself the merit of being the first to discover the true meaning of the letter to lord Mounteagle, (see Howell, ii. 198) and his flatterers attributed it to a certain "divine illumination." (Coke, Gunpowder Treason, 118): but the contrary is evident from the circular of the earl of Salisbury. "We (the earls of Salisbury and "Suffolk) both conceived that it could not by any other way be like "to be attempted than with powder, while the king was sitting in "that assembly: of which the lord chamberlain conceived more "probability because there was a great vault under the said chamber "....we all thought fit to forbear to impart it to the king until some "three or four days before the sessions." Winwood, ii. 171.

bably feigned that which he only feared? His arguments or his authority prevailed. But a change was made in their former arrangements. Fawkes undertook to keep guard within the cellar; Percy and Winter to superintend the operations in London; Catesby and John Wright departed for the general rendezvous in Warwickshire.[68] Nov. 4.

Towards evening the lord chamberlain, whose duty it was to ascertain that the necessary preparations had been made for the opening of the session, visited the parliament house, and in company with lord Mounteagle entered the cellar. Casting around an apparently careless glance, he inquired by whom it was occupied; and then fixing his eye upon Fawkes, who was present under the designation of Percy's servant, observed that his master had laid in an abundant provision of fuel. This warning was lost on the determined mind of the conspirator. Though he saw and heard all that passed, he was so fixed on his ruthless purpose, that he resolved to remain to the last moment; and having acquainted Percy with the circumstance, returned to his post, with a determination on the first appearance of danger to fire the mine, and perish in the company of his enemies.

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[68] Greenway, 64. Winter's Confession, 58.

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Apprehension of Fawkes. Nov. 5.

About two in the morning (the reader will observe that this was the fifth of November the day appointed for the commencement of the session,) Fawkes had occasion to open the door of the vault; and at the very moment was seized by sir Thomas Knevett and a party of soldiers. He was dressed and booted as for a journey—three matches were found in his pockets—and in a corner behind the door was concealed a dark lanthorn containing a light. The search immediately began; and, on the removal of the fuel, were discovered two hogsheads and thirty-two barrels of gunpowder.[69]

His resolution.

By four o'clock the king and council had assembled to interrogate the prisoner. Fawkes stood before them collected and undaunted: his replies, though delivered in respectful language, gave no clue to the discovery of his associates. His name he said was Johnson—his master Percy: whether he had or had not accomplices, should never be known from him: his object was to destroy the parliament, as the sole means of putting an end to religious persecution. More than this he refused to disclose, though he was repeatedly examined in the presence of the king. During the intervals, he bore without shrinking the inquisitive gaze of the courtiers; and answered all their questions in a tone of sarcasm and defiance. A Scottish

[69] Winwood, ii. 171, 172. Gunpowder Treason, 32—37.

nobleman asked him for what end he had collected so many barrels of gunpowder: "To "blow the Scottish beggars back to their native "mountains," was the reply. James pronounced him the English Scævola.[70]

His accomplices flee.

In the Tower, though orders were given that he should be racked to extremity, his resolution was not to be subdued; nor did he consent to make any disclosure, till his associates had announced themselves by appearing in arms.[71] They, the moment they heard of his apprehension, had mounted their horses, and on the same evening reached the hunting party at Dunchurch. There was something mysterious in their sudden arrival, in their dejected appearance, and in their long and serious consultation with sir Everard Digby. Before morning a whisper of disappointed treason was circulated: the guests gradually took their leave—and three only remained to share the desperate fate of their friends. The seizure of the princess Elizabeth was no longer an object: they traversed in haste the counties of Warwick and Worcester, to Holbeach, the residence of Stephen Littleton, one of their new associates. To their dismay every catholic from whom they

Nov. 6.

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[70] James's Works, apud Howell, ii. 201. Birch's Negociations, p. 239.

[71] "The gentler tortures are to be first used unto him, et sic per "gradus ad ima tendatur." James's Instructions, Nov. 6, in the State Paper Office.

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solicited aid on the road, shut his doors against them: while the sheriffs of each county followed, though at a respectful distance, with an armed force.[72] At Holbeach house they resolved to turn on their pursuers. Though they could not muster, with the addition of their servants, more than eighty men, yet well horsed and well armed, they believed themselves a match for the tumultuary host of their adversaries: and a victory in such circumstances would probably add to their numbers,—would certainly allow time to provide for their safety. But on the fourth morning after the discovery of the plot, during their preparation for battle, a spark of fire accidently fell among the powder. Catesby and some of his accomplices were severely burnt: and the majority of their followers took advantage of the confusion to make their escape. Within an hour the house was surrounded. To a summons from the sheriff, was returned a haughty defiance; not that the inmates cherished the hope of saving their lives, but they sought to avoid the knife of the executioner by provoking the hostility of their pursuers. With this view Catesby, Percy, and the two Wrights, armed

Are all slain or taken. Nov. 8.

[72] Greenway, 70. They took this route in expectation that Mr. Talbot would join them, in which case they had no doubt of beating their pursuers or of bringing them to terms. But Talbot refused to see them or to receive any message from them. Digby's letters, 250.

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with their swords only, exposed themselves in the court to the shot of their assailants, and were all mortally wounded. Thomas Winter, who had accompanied them, retreated into the house; where with Rookwood, Grant, and Keys, who had suffered from the explosion, he was after some resistance made prisoner. Digby, Robert Winter, and Littleton, burst through the ranks of their opponents: but the first was surrounded in a wood; the others were afterwards betrayed by a servant of Mrs. Littleton, a widow in whose house, at Hagley, they had been secreted without her knowledge by her cousin Humphrey Littleton.

Prisoners examined.

More than two months intervened between the apprehension and the trial of the conspirators. The ministers had persuaded themselves, or wished to persuade others, that the jesuit missionaries were deeply implicated in the plot. On this account the prisoners were subjected to repeated examinations: every artifice which ingenuity could devise, both promises and threats, the sight of the rack, and occasionally the infliction of torture, were employed, to draw from them some avowal, which might furnish a ground for the charge: and in a proclamation issued for the apprehension of Gerard, Garnet, and Greenway, it was said "to be plain and evi- "dent from the examinations, that all three had "been peculiarly practisers in the plot, and

1606. Jan. 15.

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Trials. Jan. 27.

"therefore no less pernicious than the actors "and counsellors of the treason."[73]

At length the eight prisoners were arraigned. They all pleaded not guilty; not, they wished it to be observed, because they denied their participation in the conspiracy, but because the indictment contained much to which till that day they had been strangers. It was false that the three jesuits had been the authors of the conspiracy, or had ever held consultations with them on the subject: as far as had come to their knowledge, all three were innocent. With respect to themselves they had certainly entertained the design laid to their charge: but whatever men might think of the fact, they would maintain that their intention was innocent before God. Some of them had already lost most of their property—all had suffered severely on account of their religion. The king had broken his promise of toleration, and the malice of their enemies daily aggravated their burthens. No means of liberation was left, but that which they had adopted. Their only object was to relieve themselves and their brethren from the cruelty of the persecutors, and to restore a worship which in their consciences they believed to be the true worship of Christ: and for this they had risked, and for this they were ready to sacrifice their fortunes

[73] Rymer, xvi. 639.

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and lives. In reply the earls of Salisbury and Northampton strongly asserted that the king had not broken his faith; and that the promises on which the catholics relied, had been the fictions of designing men in their own body. The prisoners received judgment, and suffered the punishment of traitors, having on the scaffold repeated the same sentiments which they had before uttered at their trials.[74]

And execution. Jan. 30.

Of the three jesuits mentioned in the proclamation, Gerard and Greenway, after many adventures, escaped to the continent. Garnet, having previously sent to the council a protestation of his innocence, secreted himself at Henlip near Worcester, in the house of Thomas Abington, who had married the sister of lord Mounteagle. The place of his concealment was known to Humphrey Littleton, who had not yet been brought to trial; and the hope of saving his own life induced him to communicate the intelligence to the council. Sir Henry Bromley, a neighbouring magistrate, received a commission to proceed to Henlip with an armed force. Mrs. Abington, in the absence of her husband, delivered to him her keys with an air of cheerfulness: every apartment was rigourously and repeatedly searched; and guards

Apprehension of Garnet.

Jan. 20.

[74] See "a true and perfect relation of the whole proceedings, "1606:" also Harleian Miscellany, iii. 127. Gerard in his MS. account (107—121) frequently contradicts this writer. So does Stowe's Chronicle, 881.

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were stationed by day and night in each passage, and at all the outlets. Thus three
Jan. 24. days passed, and no discovery was made: but on the fourth two strange men suddenly appeared in a gallery, and were instantly apprehended. They proved to be Owen, the servant of Garnet, and Chambers, the servant of Oldcorne, another jesuit, whom hunger had compelled to leave their hiding place. This success stimulated the efforts of the pursuivants.
Jan. 28. The search proceeded: nine other secret chambers were discovered; and on the eighth day an opening was found into that in which the two priests lay concealed. All four, with the master of the house, who had returned during the interval, were conducted to London, and committed to the Tower.[75]

His examination. Feb. 1. 3. 8.

A bill to attaint the conspirators who died at Holbeach, or had already been convicted, was now brought into the house of lords; but into it were introduced, in imitation of the odious practice during the reign of Henry VIII., the names of several individuals, some of whom had not yet been apprehended—none had been arraigned. The lords hesitated: they

[75] Gerard, 87—89. Greenway, 95—97. "A true discovery of the "service performed at Henlip," in the appendix to the second volume of Mr. Butler's Memoirs of British Catholics, third edition, p. 442. The opening was from an upper room through the fire place. The wooden border of the hearth was made to take up and put down like a trap-door, and the bricks were taken out and replaced in their courses whenever it was used. Fowlis, 608.

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required to be put in possession of the evidence against the latter; and, when they had heard the attorney-general, resolved not to proceed with the bill till more satisfactory information could be procured.[76] For this purpose Garnet was interrogated about twenty times by different commissioners; his servant Owen was stretched on the rack till he expired; and his companion Oldcorne suffered the torture during five hours on five successive days. Still no semblance of proof could be elicited; and recourse was had from violence to artifice. The warder of Garnet, acting by the order of the lieutenant, put on the disguise of a friend. He pitied the restraint of his prisoner; he affected to venerate him as a martyr for religion; he offered him every indulgence which could be

[76] This account is given both by Gerard and Greenway, and it is supported by the journals. The bill was read the first time February 1; the attorney-general was ordered to attend with his proofs February 3. He obeyed, and on the 8th the earl of Northampton in the name of the committee moved, that "as upon the examination of "the jesuits and seminaries named in the bill, some more particular "discovery might be made of the said treason, therefore stay might "be made of any further proceeding on that bill till the said ex-"amination might be taken." Journals, 366, 367. 370. At Garnet's trial Coke noticed this circumstance, and in reply to the inference drawn from it, observed that the bill was introduced before the apprehension of the jesuit, and that his majesty would not let it proceed, till the trial had taken place by just course of law. Gunpowder Treason, 148, 149. Yet both parts of this reply are contradicted by the journals: for the bill was introduced Feb. 1, three days after the apprehension of Garnet, and the reason for the delay was that which I have copied above.

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granted, consistently with his own safety. The jesuit suffered himself to be deceived: and, through the medium of this unexpected friend, commenced a correspondence with several catholics. But though the letters on both sides were carried to the lieutenant, and by him submitted to the inspection of the commissioners, they furnished no new intelligence, no proof whatever against the prisoner or his friends.[77] The ingenuity of the lieutenant was not exhausted. He removed Oldcorne to a cell contiguous to that of Garnet, and a hint was conveyed to both that they might communicate with each other through a narrow aperture in the door. The fact was that there were two doors opposite to each other, and that between them stood two persons to overhear the conversation. Oldcorne, among other things, asked his fellow prisoner what had been urged against him respecting the plot: and Garnet without hesitation replied, that there he was secure, "being there "was no man living, who could touch him in that "matter, but one," nor any thing that could excite suspicion against him, unless it were that he had desired his congregation to pray

[77] The letters were written with common ink, and on ordinary subjects: but in addition notes were inserted written with the juice of oranges or lemons, which on the application of heat became visible. On this account the lieutenant found it necessary to retain the originals, and to forward exact copies. Greenway's MS. 105. Some of these letters are still in the State Paper Office.

for the success of the catholic cause, and had recited a hymn, containing expressions which might by his enemies be supposed to allude to the conspiracy. These incautious admissions were eagerly caught by the two spies, and the information was instantly transmitted to the council.

Confession.

Garnet to his surprise received an order to answer this question: Was there not one man living, who could accuse him of having been privy to the plot? He replied in the negative, was placed on the rack, and heard the conversation between himself and Oldcorne repeated in his presence. It was now useless to deny his words: but he undertook to explain them: he had been consulted in confession by his brother Greenway; the secrecy to which he was bound through reverence to the sacrament, had hitherto compelled him to be silent: now, that he was subject to torture, he would avail himself of the permission previously given to him by Greenway, and was therefore ready to acknowledge the fact.

And trial. March 28.

Thus after an interval of two months was laid a ground for the trial of the prisoner. The interest which it excited, appeared from the crowd of spectators assembled in the court, among whom were the king himself, all the foreign ambassadors, and most of the members of parliament. Sir Edward Coke, the attorney-general, spoke for some hours. He detailed all the plots, real or

CHAP. I.

imaginary, which had ever been attributed to the catholics since the accession of queen Elizabeth; he declaimed against the jesuitical doctrine of equivocation, and the temporal pretensions of the pontiffs; he described the missionaries in general, and the jesuits in particular, as leagued in an impious conspiracy to destroy the king, and the leaders of the protestant interest. But when he descended to the real merits of the indictment, he soon betrayed the poverty of his case. Not a word was said of the confessions, or the witnesses, or the dying declarations, by which he had promised to prove that Garnet had been the original framer of the plot, and the confidential adviser of the conspirators. This part of the charge was seen to rest on his bare assertion, supported only by a few unimportant facts susceptible of a very different interpretation. Garnet replied with temper and firmness: but was so often interrupted by questions and remarks from the attorney-general and the commissioners on the bench, that the king himself declared they had not given him fair play.[78]

[78] The friends of Garnet bitterly complained of the artifice employed to do away the effect of those declarations in his favour, which had been made by the conspirators, both at the bar and on the scaffold. Tresham had been examined in the Tower, whether Garnet had any share in what was called the Spanish treason in 1602: and replied "that father Garnet, otherwise Walley, the jesuit, and "father Greenway, were by their desire drawn to be acquainted with "Winter's employment into Spain to give him more credit unto it."

He acknowledged that he had heard of the plot in confession; but among catholics the secrecy of confession was inviolable. Were it otherwise, no one would disclose his intended crimes to him, who of all men was most likely, by his advice and authority, to divert the sinner from the guilt which he meditated. As for himself he abhorred the plot as much as the most loyal of his persecutors; and had done to prevent it whatever in his conscience he could persuade himself that it was lawful for him to do. The attorney-general had indeed attempted to prove in him a traitorous intention from several circumstances: but these he could shew proceeded from very different motives, and ought to lead to an opposite conclusion. The jury were not to judge from conjectures and presumptions; what he had asserted was the

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(Original in the State Paper Office.) He afterwards doubted the accuracy of this deposition; and on his death bed dictated a letter to the earl of Salisbury, in which he recalled what he had said respecting Garnet being privy to Winter's object, because "he had not seen "him for 14 years before." It is evident from all the circumstances, that these 14 years referred to the Spanish treason in 1602. Coke, however, at the trial, informed the court, that Tresham in his letter asserted that he had not seen Garnet for 16 years, whereas Garnet himself confessed, that they had seen each other several times of late: and the earl of Salisbury, turning to the prisoner, asked him how he could explain Tresham's assertion. The jesuit, unaware of the artifice, and supposing that Tresham had spoken of the last year, imprudently replied that "perhaps he equivocated." This was sufficient. It was immediately inferred, that no credit was due to declarations of dying men, who could equivocate even at that awful hour. State Trials, ii. 257. Gerard's MS. p. 135. Bartoli, 563.

CHAP. I.

whole truth: nor had the prosecutor attempted to bring forward any direct evidence to the contrary. Though a verdict of guilty was returned, his friends professed themselves satisfied with the proceedings. All that had been proved against him was that he had not betrayed the secret confided to him in confession. The boast of Coke that he would shew him to have been the author and adviser of the plot had failed; and Cecil himself had confessed, that they could produce nothing more against him than had been disclosed by his conference with Oldcorne. Under such circumstances, they asserted that if he were to suffer, he would suffer, not for treason, but for the conscientious discharge of his duty.[79]

Subsequent examinations.

It is not improbable that Garnet's defence made a favourable impression on the mind of the king. Instead of being led to execution, he

March 31.

was thrice more examined, to ascertain whether it was in confession or out of confession that he had received the knowledge of the plot; and

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[79] There are several accounts of this celebrated trial. That published by authority, under the title of "a true and perfect relation of the whole proceedings," has been reprinted in the State Trials, ii. 217; but from the partiality with which it evidently mutilates the answers and defence of Garnet, it should be compared with the relations published by his friends, which may be seen in Bartoli, 546. More, 316. and in Mr. Butler's Memoirs, ii. 124. Gerard in his MS. narrative, p. 137, remarks that the jury, when they returned their verdict, confined it to the guilt of having concealed the knowledge which he had received of the conspiracy. See note (D.)

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though he was told that Greenway was in custody, and had given a different account, he still persisted in asserting that he understood the secret to have been communicated to him under the seal of confession.[80] He was afterwards interrogated respecting the doctrine of equivocation, and boldly declared, that the practice of requiring men to accuse themselves was barbarous and unjust; that in all such cases it was lawful to employ equivocation, and to confirm, if it were necessary, that equivocation with an oath; and that if Tresham, as had been pretended, had equivocated on his deathbed, he might have had reasons which would justify him in the sight of God.[81] To these avowals I ascribe his execution. The man who maintained such opinions could not reasonably complain, if the king refused credit to his asseverations of innocence, and permitted the law to take its course. Six weeks after his trial the fatal warrant was signed. On the scaffold, according to the ambiguous language of the official account, he confessed his guilt; but if we may credit the letters of spectators, he

April 4.
April 6.
April 28.
May 3.

[80] Tortura Torti, 425. Causabon ad Frontonem Duc. 132, 133.

[81] "This I acknowledge to be according to my opinion and the "opinion of the schoolmen. And our reason is, for that, in cases of "lawful equivocation, the speech by equivocation being saved from "a lye, the same speech may be without perjury, confirmed by oath, "or by any other usual way, though it were by receiving the sacra-"ment, if just necessity so require.—Henry Garnet." Original in the State Paper Office in Garnet's own hand-writing.

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denied all knowledge of the plot, except by confession; and though he begged pardon of the king, he was careful to add that it was not for any participation in the treason, but for the legal offence of having previously concealed the grounds of those suspicions which he had formed within his own breast. His pious and constant demeanour excited the sympathy of the crowd; their vociferations checked the impatience of the executioner, and the cruel operation of quartering was deferred till he was fully dead.[82]

And execution.

Punishment of Catholic lords.

Though James was satisfied that the great body of the English catholics had been kept in ignorance of the plot, he still believed that all its ramifications had not yet been discovered. There could be no doubt that Fawkes had admitted associates in Flanders, and suspicion attached to Owen, a Welch catholic, and to Baldwin, a jesuit, who were both saved from prosecution by the obstinate refusals of the archduke and the king of Spain to deliver them into the hands of the English ambassador.[83] At

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[82] It was reported generally that he had confessed his guilt, (Gunpowder Treason. Boderie, i. 49.) but that confession was confined to his concealment of his suspicions. More, 327. Butler's Memoirs, iii. 342, second edition. Chaloner, ii. 483. Eudæmon Joan. 349.

[83] Owen was servant to the king of Spain, who demanded the proofs of his guilt to be sent to Brussels, and promised to punish him if he were guilty. This was refused. Baldwin was apprehended in 1610 by the elector palatine, as he was passing through his dominions, and was sent to England. He underwent many examinations in the Tower,

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home, the domestic relation between the earl of Northumberland and the traitor Percy was deemed a sufficient reason to place the former under restraint in the house of the archbishop of Canterbury; and the confession of the conspirators that Catesby wished to save the viscount Montague, and knew the intention of the lords Mordaunt and Stourton to be absent from parliament, led to the arrest of these three noblemen.[84] It was in vain that they protested their ignorance of the treason; they were condemned in the star-chamber to suffer imprisonment during the royal pleasure, and to pay fines to the king, the lord Stourton in six thousand, the lord Mordaunt in ten thousand pounds, and the viscount Montague in a still larger sum.[85] The earl was committed to the Tower, and

Nov. 8.

June 1.

at the last of which the king assisted, but nothing was discovered to prove him guilty. Winwood, ii. 183. 187—189. 227. 232. iii. 211. 407. Bartoli, 517.

[84] Fawkes confessed that "Catesby told him lord Mordaunt would "not be there the first day, because he would not be present at the "sermon; for as yet the king did not know he was a catholique, and "that the lord Stourton's occasions were such he could not come to "town before the Friday after." Original MS. in the State Paper Office. There are in the same collection two letters from lord Montague to the lord treasurer, declaring his innocence, and denying that he had any warning of the plot. Cecil, in a letter to sir Thomas Edmonds, says, that Percy wished to save Northumberland and Mounteagle, and that Catesby knew Stourton, Mordaunt, and Montague, would be absent. Birch, 244.

[85] It was customary to compound for fines in the star-chamber. Northumberland compounded for £11,000, Montague for £4000, Stourton for £1000. I suspect Mordaunt's fine was entirely remitted. See "the Abstract of his Majesty's Revenue," p. 11.

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repeatedly examined; but he answered from the beginning with an air of scorn and confidence, pointing out the method of discovering his guilt, if he were guilty,[86] and braving his accusers to bring him to a public trial by due course of law. They preferred to arraign him, after a delay of seven months, in the star-chamber, on the following extraordinary charges:— 1°. That he had sought to be the head of the papists, and to procure toleration; 2°. that he had admitted Percy to be a gentleman pensioner, without exacting from him the oath of supremacy; 3°. that after his restraint he had

June 6.

[86] He required them to take the deposition of Percy before he died of his wounds. "He can shew me clear as the day, or dark as the "night. He will tell the truth, being about to render his account to "God." Letter in the State Paper Office. See also Les Ambassades de Boderie, i. 122. 180. 299. Collins' Peerage, ii. 426. His examinations are in the State Paper Office, but contain nothing of consequence. In the Tower he applied himself entirely to scientific and literary pursuits, and by his liberality to men of learning, became the Mecænas of the age. From the number of mathematicians who were generally in his company, and ate at his table, he acquired the name of Henry the wizard. Among them were Hill, Allen, Hariot, Dee, Torperley, and Warner, "the Atlantes of the mathematical "world," most of whom enjoyed annuities from his bounty. (Collins, ii. 438.) In the year 1611, Cecil conceived that he had discovered new matter against him, from the testimony of a dismissed servant. He was again subjected to examination, and again foiled the ingenuity or malice of his persecutor. (Winwood, ii. 287, 288.) In 1617, the king's favourite, Hay, afterwards earl of Carlisle, married his daughter Lucy against his will, which irritated him so, that when his son-in-law obtained from James an order for his liberation, it was with difficulty that he could be induced to accept the favour, after an imprisonment of thirteen years. See Birch, 246. Sydney papers, ii. 350.

written two letters to his servants in the north, requesting them to take care that Percy did not carry off his money and rents; and in this had committed a threefold offence,—1°. in presuming to write letters without leave; 2°. in preferring the safety of his money to the safety of the king; 3°. in giving warning to Percy to take care of his own person. He was adjudged to pay a fine of £300,000, to be deprived of all his offices, to be held incapable of any for the future, and to remain a prisoner during life in the Tower. So severe a punishment excited surprise; but the real cause was, that he had long been the political antagonist of Cecil; that in the Tower he had displayed a spirit which alarmed the weak mind of James, and that he was supposed to be the individual to whom, had the plot succeeded, the conspirators would have offered the dignity of protector during the minority of the next sovereign. Lord Mounteagle received, in reward of his loyalty, lands to the yearly value of £200, and an annuity of £500 for life.[87]

The chief object for which the parliament had been summoned to meet in November was to supply the royal coffers, which James had emptied by profuse donations to his countrymen, and the extravagance of his establishment. After a long adjournment, occasioned by the

Proceedings in parliament.

Jan. 21.

[87] Boderie, i. 122. 180. 299.

CHAP. I.

discovery of the gunpowder plot, the two houses assembled. The lords appeared as usual to have no other wish than to gratify the sovereign; but the commons resumed that bold tone of expostulation and resistance which had given so much offence in the last session. They did not indeed refuse to relieve the wants of the king, though murmurs were heard respecting his indiscretion and prodigality, but they maintained, that every offer of money on their part ought to be met with a corresponding offer of concession on the part of the crown; they brought forward a long catalogue of grievances in the practice of the ecclesiastical courts, in the administration of civil justice, and in the conduct of every department of government; and they sent, to use the significant expression of James, an oyes into every part of the country to find out grounds of complaint. The ministers had recourse to artifice and intrigue. They prayed and coaxed; they attributed the necessities of the king to a debt of £400,000 left by the last sovereign, to the charges of the army in Ireland, and to the expences of a new reign; and while they conceded that James had been sometimes too liberal in his presents, sometimes too prodigal in his pleasures, they held out hopes of immediate amendment, and of strict attention to economy in future. Thus, partly by promises and partly by management, they contrived to elude every motion for reform,

CHAP. I.

Expostulation of Henry IV.

and to obtain a vote of three subsidies, and six tenths and fifteenths.[88]

But there was another question equally interesting to the passions of the members, and less likely to provoke dissension between them and the crown, the revision of the penal code, as far as regarded the prohibition of the catholic worship. To a thinking mind the late conspiracy must have proved the danger and impolicy of driving men to desperation by the punishment of religious opinion. But the warning was lost; the existing enactments, oppressive and sanguinary as they were, appeared too indulgent; and though justice had been satisfied by the death and execution of the guilty, revenge and fanaticism sought out additional victims among the innocent. Every member was ordered to stand up in his place, and to propound those measures which in his judgment he thought most expedient. These, in successive conferences, were communicated by one house to the other, and in each motions were made and entertained as abhorrent from the common feelings of humanity as the conspiracy itself. Henry IV. of France thought it the duty of a friend to interpose with his advice; and Boderie, his ambassador, was or-

Feb. 3.

[88] Journal of Commons, 265—313. Cobbet's Parliamentary History, 1064. The three subsidies, and six tenths and fifteenths, added to four subsidies granted by the clergy, were estimated at £453,000. Abstract of his Majesty's Revenue, p. 11.

CHAP. I.

April 5.

dered to represent to the king, that his master had learned from experience the strong hold which religion has on the human breast; that it is a flame which burns with increasing fierceness in proportion to the violence employed to extinguish it; that persecution exalts the mind above itself, teaches it to glory in suffering, and renders it capable of every sacrifice in the cause of concience; that much might be done by kindness—little by severity. Let him punish the guilty—it was his duty; but it was equally his duty to spare the innocent, even in opposition to the wishes of his parliament; as it was also his interest not to goad the catholics into plots for his destruction, but to convince them that they possessed a protector in the person of their sovereign.[89]

New penal code.

James was of a lenient disposition. He recommended moderation to his council; attempts were made to check the extravagance

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[89] Ambassades de Boderie, i. 22. 80. James replied to the ambassador, who could not obtain an audience till the end of the session, that he was by disposition an enemy to harsh and cruel measures; that he had repeatedly checked the eagerness of his ministers; but that the catholics were so infected with the doctrine of the jesuits, respecting the subordination of the royal to the papal authority, that he was compelled to leave the matter to the decision of his parliament. The ambassador observed, that he ought at least to make a difference between those who held and those who rejected that doctrine. It was no article of the catholic faith, as had been fully proved in France, where many staunch catholics had lately aided the king in opposition to the papal bulls; and he had no doubt that the same opinion prevailed among the English catholics. Ibid. p. 82.

CHAP. I.

May 27.

of the zealots: and after a long succession of debates, conferences, and amendments, the new code received the royal assent. It repealed none of the laws then in force, but added to their severity by two new bills, containing more than seventy articles, inflicting penalties on the catholics in all their several capacities, of masters, servants, husbands, parents, children, heirs, executors, patrons, barristers, and physicians.—1°. Catholic recusants were forbidden under particular penalties to appear at court, to dwell within the boundaries, or ten miles of the boundaries of the city of London; or to remove on any occasion more than five miles from their homes, without a special license under the signatures of four neighbouring magistrates. 2°. They were made incapable of practising in surgery or physic, or in the common or civil law; of acting as judges, clerks, or officers in any court or corporation; of presenting to the livings, schools, or hospitals in their gift; or of performing the offices of administrators, executors, or guardians. 3°. Unless they were married by a protestant minister, each party was made to forfeit every benefit to which he or she might otherwise be entitled from the property of the other; unless their children were baptized by a protestant minister within a month after the birth, each omission subjected them to a fine of £100: and if after death they were not buried in a protestant cemetery

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their executors were liable to pay for each corps the sum of £20. 4°. Every child sent for education beyond the sea, was from that moment debarred from taking any benefit by devise, decent, or gift, until he should return and conform to the established church: all such benefit being assigned by law to the protestant next of kin. 5°. Every recusant was placed in the same situation, as if he had been excommunicated by name, his house might be searched, his books and furniture, having or thought to have any relation to his worship or religion, might be burnt, and his horses and arms might be taken from him at any time by the order of neighbouring magistrates. 6°. All the existing penalties for absence from church were continued, but with two improvements, 1°. it was made optional in the king, whether he would take the fine of £20 per lunar month, or in lieu of it all the personal, and two thirds of the real estate; and 2°. every householder, of whatever religion, receiving catholic visitors, or keeping catholic servants, was liable to pay for each individual £10 per lunar month.[90] 7°. A new

[90] The fine of £10 per month for a catholic servant was found an intolerable burthen. "Il y eut l'autre jour un seul seigneur qui "donna congé à soixante. J'en scais d'autres de trés bonne qualité, "qui sont résolus de souffrir tout plutôt que de congédier les leurs. "C'est une dangereuse arme que le désespoir en mains de personnes "qui n'ont rien à perdre." July 20. i. p. 232. He says that almost all the lords had many catholics on account of their greater fidelity.

oath of allegiance was devised for the avowed purpose of drawing a distinction between those catholics who denied, and those who admitted the temporal pretentions of the pontiffs. The former, who it was supposed, would take the oath, were made liable by law to no other penalties than those which have been enumerated: the latter were subjected to perpetual imprisonment, and the forfeiture of their personal property, and of the rents of their lands during life: or if they were married women, to imprisonment in the common gaol, until they should repent of their obstinacy, and submit to take the oath.

Oath of allegiance.

That James in the proposal of the last measure had the intention of gradually relieving one portion of his catholic subjects from the burden of the penal laws, is highly probable: but whether those to whom he committed the task of framing the oath, archbishop Abbot and sir Christopher Perkins, a conforming jesuit, were animated with similar sentiments, has been frequently disputed. They were not content with the disclaimer of the deposing power; they added a declaration that to maintain it was impious, heretical, and damnable. It was evident that many, willing to make the former, would hesitate to swear to the latter; and that the supporters of the obnoxious doctrine would gladly justify their refusal of the oath by objecting to this impolitic and unnecessary decla-

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ration. The great, the only point of importance was the rejection of the temporal superiority attributed by many theologians to the pontiff: and it is equally a matter of surprise, that the king on the one hand should have allowed the introduction of a clause calculated to prevent his own purpose, and that the catholics on the other did not petition that such clause should be totally expunged, or at least cleared from the hyperbolical and offensive epithets with which it was loaded. The oath, however, as it was framed, received the approbation of the legislature; and it was ordered that all recusants convicted, all individuals suspected of catholicity, because they had not received the sacrament twice in the protestant church during the last twelve months, and that all unknown persons travelling through any county, should be summoned to take it, under the heavy penalties, which have been already mentioned.

When these enactments were published, they excited surprise and dismay. The French minister pronounced them characteristic of barbarians rather than christians;[91] the lords of the council ashamed of their own work, deliberated on expedients to mitigate their severity; and many catholics, alarmed at the prospect before them, bade adieu to their native country; while

[91] "Elles sont inhumaines et plus barbares que chrétiennes." Villeroy a Boderie. June 25. i. 172.

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those who remained, animated each other to forfeit their liberty, property, and lives, rather than forsake their religion.[92] With these the lawfulness of the new oath became a question of the highest import. The missionaries were divided in opinion: the jesuits in general condemned it; Blackwall the archpriest, with his assistants of the secular clergy, decided in its favour. The controversy was carried to Rome, and while the friends of the former called for vigorous and decisive measures, the king of France admonished the pontiff to beware, least by irritating James he should give occasion to the final extinction of the catholic worship in England.[93]

July 15.

The reigning pope was Paul V. During the discussions in parliament he had dispatched a

Condemned by the pope. June 3.

[92] "Beaucoup de catholiques se préparent á s'en aller; voire y "en a de si vieux que je vois ne chercher qu'une terre étrangere pour "s'enterrer: et néanmoins si en reste-t-il encore un si grand "nombre, qui ne s'étonnent point de toutes ces menaces, que c'est "certes chose admirable.....La plupart des dames de qualité "sont catholiques, et n'y en a pas une qui ne cache chez elle un "prêtre." Boderie, June 21, vol. i. p. 161. "Tant s'en faut "que cela fasse perdre cœur auxdits catholiques, qu'il semble qu'ils "s'en animent davantage; et au lieu de retirer de ladite religion "ceux qui sont reconus d'en être, il s'en déclare tous les jours qui ne "le paroissoient point auparavant." Ibid. June 26. p. 178.

[93] "Ils prétendent prouver que l'indulgence et patience dont sa "sainteté s'est gouvernée avec lui, augmente l'audace des auteurs de "tels conseils, empire la condition desdits catholiques, et sera cause "à la fin de leur entiere destruction. Ils ont à cette fin envoyé "exprés vers le pape un des principaux de leur compagnie..... "Toutefois sa majesté continuera de faire son possible pour main-"tenir sa sainteté dedans les termes susdits." Villeroy à Boderie, June 18. p. 150. 200.

CHAP. I.

secret envoy to England, who, under the disguise of a messenger from the Duke of Lorrain, obtained admission at court. He was the bearer of two letters, one to the archpriest instructing him to prohibit by papal authority all seditious and treasonable practices, the other to the king, expressing on the part of the pontiff the deepest detestation of the late plot, and soliciting the royal protection for the innocent catholics. Though James professed himself pleased, and ordered the accustomed gratuity to be given to the envoy, his answer was cold and unsatisfactory.[94] When Paul learned the failure of this mission, he yielded to the clamour which the enactments in England had excited at Rome; and Holtby, who had succeeded to Garnet as superior of the jesuits, put into the hands of the archpriest a papal breve, condemning the oath of allegiance, as unlawful to be taken, because "it contained many things contrary to faith "and salvation." Blackwall, aware of the consequences, received it with feelings of the most profound grief; and when he notified it to his flock, was careful to append to it an admonition, that it was to be considered only as the private dictum of Paul V.

Sept. 3.

The publication of the breve sharpened the resentment of James. By his orders the bishops began to tender the oath in their respective

[94] See Boderie, i. 123. 284. 300. 327.

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dioceses, and the recusants by whom it was refused, were condemned at the assizes in the barbarous penalties of præmunire. Three missionaries, lying under the sentence of death for the exercise of their priestly functions, were summoned to take it; they pleaded scruples of conscience, and received orders to prepare for execution. Two owed their lives to the timely intercession of the prince of Joinville, and of the French ambassador. Drury, the third, suffered the punishment of a traitor. He was one of those, who had signed the protestation of allegiance to Elizabeth, and who believed in his own judgment that the oath of James was equally admissible. But he dared not prefer his private sentiments before those of the pope, and of many among his brethren, and chose to shed his blood rather than pollute his conscience by swearing to the truth of assertions, which he feared might possibly be false.[95]

1607. Mar. 24.

In the course of the next summer the archpriest himself fell into the hands of the pursuivants. His opinion was already known; he cheerfully avowed it in the presence of the commissioners at Lambeth; and in a circular letter to the catholics announced that he had taken,

Approved by the archpriest.

[95] When Boderie begged a reprieve for him and his companion Davies, James granted it for the latter, but with so bad a grace that the ambassador determined never more to ask a similar favour. The real cause of Drury's death was, he says, that a copy of a letter from father Persons against the oath had been found in his possession. See Boderie, ii. 102. 256. Howell's State Trials, ii. 358.

CHAP. I.

and that he deemed it lawful for them to take the oath, in the sense in which it had been explained by the lawgiver, the king himself. His conduct was highly applauded by James: yet so violent were the prejudices of the zealots, that though he lamented the imprisonment of the old man, he dared not grant him any other indulgence, than that he should not be brought to trial on the capital offence, of having received holy orders beyond the sea. He was in his seventieth year, and languished in confinement till his death in 1613.[96]

James writes in favour of the oath.

This submission of Blackwall was considered as a triumph: the admonitory letters sent to him by Persons and Bellarmine, the appointment of Birket as archpriest in his place, and the publication of the second breve confirmatory of the first, successively raised the indignation of the king to the highest pitch. Sending for his favourite theologians, he shut himself up with them in his study, refusing to listen to his ministers, postponing the most urgent affairs of state, and denying himself even the pleasures of the chase. The fruit of his

[96] Broderie, ii. 313. 327. 350. See a most interesting account of his examination in Mr. Butler's Memoirs of the English Catholics, 3d edition, ii. 204. Blackwall's letter is in Collier, ii. 694. He would never retract, though he received several exhortatory letters from the cardinals Arrigoni and Bellarmine, and the jesuits Persons and Holtby. He constantly maintained that the oath did not affect the spiritual supremacy of the pope, but only rejected his temporal pretensions. Bartoli, 597.

retirement at last appeared in a tract entitled "An Apologie for the Oath of Allegiance," which was immediately translated into the Latin and French languages.[97] It was followed by the condemnation of six priests for the exercise of their functions; they refused the oath: their obstinacy was not subdued by the perusal of the king's tract; and three out of the six paid the forfeit of their lives, one at York and two at Tyburn.[98]

The king was now fairly launched on the sea of controversy, where he believed himself an equal match for any opponent. It was not long before he received answers to the "Apologie" from Persons and Bellarmine. Vanity urged him to refute their arguments, resentment to chastise their presumption. His theological coadjutors were again summoned to his closet: his former work was revised, and to it was prefixed an address, called a præmonition to all christian princes. He made, however, but little progress: every particular question gave birth to endless debates; and what with objections, and improvements, and diversity of opinions, it was found that at the end of several weeks, the work was scarcely more advanced than it had been at the commencement. The kings of France and Denmark exhorted him to desist from a contest unworthy of a crowned head. To the former

[97] See Boderie, iii. 103. 131. 164. 190.

[98] Ibid. 227. Challoner, ii. 19—23.

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James replied in terms of respect: but the latter he admonished to consider his own age, and to blush at his folly in offering advice to a prince so much older and wiser than himself. The queen having tried her influence in vain, turned her anger against the earl of Salisbury, whom she suspected of encouraging her husband in this pursuit, that he might govern the kingdom at his pleasure.[99] But though the mountain had been long in labour, though the public had been kept for months in breathless suspence, when the hour of parturition arrived, it was unexpectedly deemed prudent to suppress the birth.[100] A new light had burst on the mind of James: he ordered all the printed copies to be called in, the work to be again revised and corrected; and after many new alterations, gave it at last to the world in a less voluminous and less offensive form.[101] Special

[99] Boderie was, however, of a different opinion. "La présomption seule qu'il a de sçavoir plus en théologie que tous les docteurs du monde, en est l'unique cause." Ibid. iv. 319.

[100] It was full of dissertations on the vials in the Apocalypse, which made the French ambassador declare that the book was "Le plus fou, s'il m'est loisible d'ainsi parler, et le plus pernicieux que se soit jamais fait sur tel sujet." iv. 302.

[101] See Boderie throughout almost every dispatch in the fourth volume. The chief corrections consisted in the arguments to prove the pope to be antichrist, which were now softened down to prove that he was antichrist only in as much as, and as long as, he should pretend to temporal power in the dominions of others. Winwood, iii. 55, 56, 66. It was called Apologia pro juramento fidelitatis, præmissa præfatione monitoria. Birch 298, 299.

Contro-versy re-specting it.

messengers were dispatched to present it to the several princes in Europe: by most it was accepted as a compliment, by the king of Spain and the archduke it was peremptorily refused.[102]

Neither the publications of James and his divines, nor those of his adversaries, determined the controversy, which continued to divide the catholics for the greater part of the century. On the one hand the oath was refused by the majority of those to whom it was tendered: on the other it was taken by many of considerable weight both among the clergy and laity. Among the latter are to be numbered the catholic peers, (they amounted to more than twenty) who, with a single exception, spontaneously took the oath on different occasions in the upper house of parliament.[103]

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[102] He also made presents of both the English and Latin editions to the English prelates. Matthews, archbishop of York, threw himself on his knees to receive them from the messenger, kissed them, promised to keep them as the apple of his eye, and to read them over and over again. Sir Patrick Young to the king, June 19, 1609. Dalrymple's Memorials, p. 13. See note (E.)

[103] This will appear from a diligent perusal of the journals. The lord Teynham alone eluded it, by never attending his duty in parliament more than once during each session.

CHAP. II.

JAMES I.

JAMES AND HIS CONSORT ANNE OF DENMARK—INSURRECTION—UNION OF ENGLAND AND SCOTLAND—KING'S EXPENSES—PROCEEDINGS OF PARLIAMENT—MARRIAGE, IMPRISONMENT AND DEATH OF ARABELLA STUART—DEATH OF PRINCE HENRY—RISE OF CARR, EARL OF SOMERSET—DIVORCE OF EARL AND COUNTESS OF ESSEX—RISE OF GEORGE VILLIERS, DUKE OF BUCKINGHAM—ARREST AND TRIAL OF EARL AND COUNTESS OF SOMERSET—DISGRACE OF COKE—TRANSACTIONS WITH HOLLAND—ERRORS OF VORSTIUS—SYNOD OF DORT—INTRODUCTION OF EPISCOPACY INTO SCOTLAND—VISIT OF JAMES TO EDINBURGH—COMMISSION OF GRACES IN IRELAND—FLIGHT OF TYRONE—PLANTATION OF ULSTER—PROCEEDINGS OF IRISH PARLIAMENT—NEW PLANTATIONS.

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Occupations of the king.

When James prorogued the parliament in 1606, he had been more than three years on the throne, and yet had made no progress in the esteem, had acquired no place in the affections of his English subjects. It was in vain that he sought by speeches and proclamations to earn the reputation of political wisdom; his inattention to business, and his love of dissipation, provoked remonstrances and complaints. Twice

in the week the king of England devoted his time to the amusements of the cockpit:[1] day after day the chace kept him on horseback from the dawn till the evening:[2] and the fatigue of the chace was always relieved by the pleasures of the table, in which he frequently indulged to excess.[3] The consequence was, that questions of great national importance were suffered to remain unnoticed; and not only foreign ambassadors, even his own ministers were occasionally debarred during weeks together from all access to the royal presence. On their knees they prayed him to give more attention to the public business; anonymous writers admonished him of his duty by letters: the players held up his foibles to ridicule on the stage: but the king was not to be moved. He replied that he did not intend to make himself a slave: that his health, which "was the health and "welfare of them all," required exercise and relaxation; and that he would rather retrace his steps to Scotland, than consent to be immured in his closet, or chained to the council table.[4]

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[1] "Il vit combattre les cocqs, qui est un plaisir qu'il prend deux "fois la semaine." Boderie, i. 56. I observe that the fee of the master of the cocks, £200 per annum, was equal to the united salaries of two secretaries of state. Abstract of the king's revenue. p. 45. 47.

[2] See the letters in Winwood, ii. 46. Lodge, iii. 245. 247. 311. 332. 335. 537. Boderie, i. 195. 302. 396. ii. 101.

[3] See Boderie, i. 241. 283. iii. 197.

[4] Id. i. 302. 310. ii. 241. 279. 440. iv. 21. Winwood, ii. 54.

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Of the queen.

His consort, Anne of Denmark, could boast of some pretensions to beauty, to which she added considerable abilities and spirit. She hesitated not to avow her contempt for the weaknesses of the king; frequently assumed a superiority, which made him feel under constraint in her presence; and on some occasions presumed even to dispute the royal authority. James was believed to be a faithful husband: nor did the voice of scandal, which had been heard only to whisper in Scotland, ever dare to breathe upon *her* character in England.[5] The public voice accused her of favouring the Spanish interest, and of nourishing in her son Henry a contempt for the peaceful disposition of his father: but whether it were suggested by her own prudence, or required by the English council, from the moment of her arrival on this side of the Tweed, she abstained in a great measure from political intrigue, and devoted her attention to the amusements and the pageantries of

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217. The players represented him in his passion, sometimes cursing his hounds and falcons, sometimes striking his servants, and drinking to intoxication at least once a day. Boderie, iii. 196, 197. On one occasion the king's favourite dog Jowler, which had been lost, returned with the following letter tied to his neck. "Good "Mr. Jowler, we pray you speak to the king, (for he hears you "every day, and so doth he not us,) that it will please his majestie "to go back to London, for els the contry wilbe undoon; all our "provition is spent already, and we are not able to intertayne him "longer." Lodge, iii. 245.

[5] Peyton, 332. 335. 339. 346.

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the court, pursuits in which she greatly excelled. To display to advantage the grace of her person and the richness of her dress, to exact and receive the homage of all around her, to shine the first among her ladies in a succession of balls and masks, became her principal study. No expence, no decoration was spared to give splendour to these entertainments: the first poets of the age were employed to compose the speeches, the first artists to frame the machinery: and Anne herself, with her favourite attendants, surprised and delighted the court by appearing successively in the disguise of a goddess or a nereid, of a Turkish sultana or an Indian princess. There was, however, one drawback from the pleasure of such exibitions, which will hardly be anticipated by the reader. Ebriety at this period was not confined to the male sex, and on some occasions females of the highest distinction, who had spent weeks in the study of their respective parts, presented themselves to the spectators in a state of the most disgusting intoxication.[6]

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[6] When Christian IV. of Denmark visited the king in 1606, Cecil gave a grand entertainment and mask at Theobalds, in honour of the royal stranger. The following extract from a letter written by one of the guests, will amuse the reader. "Those whom "I never could get to taste good liquor now follow the fashion "and wallow in beastly delights. The ladies abandon sobriety, "and are seen to roll about in intoxication. After dinner the "representation of Solomon his temple, and the coming of the "queen of Sheba was made, or, (as may I better say) was meant to

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Insurrection.

James had scarcely recovered from the panic excited by the gunpowder treason, when he was alarmed by an insurrection in the very heart of the kingdom. It was provoked by the rapacity of the lords of manors, who had enclosed for their own use large parcels of lands that had hitherto been common, and had thus diminished the usual means of subsistence to their poorer tenants. The practice was begun by those, who having obtained church lands during the reformation, sought to make the most of their new possessions; and it had been continued to the reign of James, in defiance of popular tumults, legislative enactments, and

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" to have been made.....The lady who did play the queen's part,
" did carry most precious gifts to both their majesties; but forget-
" ting the steppes arising to the canopy, overset her caskets into his
" Danish majesty's lap, and fell at his feet, though I rather think
" it was in his face. Much was the hurry and confusion; cloths
" and napkins were at hand to make all clean. His majesty then
" got up and woud dance with the queen of Sheba, but he fell down
" and humbled himself before her and was carried to an inner
" chamber, and laid on a bed of state, which was not a little defiled
" with the presents of the queen.....The entertainment and show
" went forward, and most of the presenters went backward or fell
" down: wine did so occupy their upper chambers. Now did
" appear in rich dress Hope. Faith, and Charity. Hope did assay
" to speak, but wine did render her endeavours so feeble that she
" withdrew. Faith was then all alone, for I am certain she was not
" joyned with good works, and left the court in a staggering con-
" dition. Charity came to the king's feet, and seemed to cover
" the multitude of sins her sisters had committed; in some sorte
" she made obeysance, and brought gifts....She then returned to
" Hope and Faith, who were both sick and spewing in the lower
" hall." Nugæ Antiquæ, i. 348, 349, 350. edit. 1804.

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royal proclamations. There was no grievance which the people felt more keenly, or which they were more disposed to redress by open violence. Of late the individuals to whom the forfeited lands of the gunpowder conspirators had been given, had encroached on the commons as others had done before them: the sufferers, being joined by their neighbours who could remember similar provocations, presented a remonstrance to the council; and finding their complaint treated with neglect, assumed the right of doing justice to themselves. Suddenly lawless assemblages of men, women, and children, were observed in the three counties of Northamptom, Warwick, and Leicester. They seldom amounted to less than one thousand men; at Hill Norton, the former estate of Francis Tresham, they reached to three, at Cottesbich to five, thousand. They appeared to be under the guidance of certain unknown persons, who were never seen in public without masks; Reynolds, the avowed leader, took the name of Captain Pouch, from an enormous pouch which he carried on one side. This man was an impostor or an enthusiast. He pretended to act under the inspiration of God, and with the license of the king: he pronounced himself invulnerable, and declared that he carried in his pouch a spell which would insure success to his followers. He strictly forbad them to use profane words, to

1607. May 15.

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employ personal violence, or to perform any illegal act, which was not necessary for the abatement of the new enclosures. They faithfully obeyed his orders. The park walls were demolished, fences levelled, and dikes filled up. Wherever the rioters appeared, the inhabitants received them with expressions of joy, and through fear or affection, supplied them with tools and provisions. If any gentleman ventured to remonstrate, he was immediately placed among the labourers, and compelled to join in the work of demolition.

At the first report of this commotion James knew not whether to suspect the catholics or the puritans: the guards in the palace were doubled; and the lord mayor was instructed to watch the motions of the apprentices within the city. More accurate information relieved his terrors. The insurgents were commanded by

May 27. proclamation to disperse: but they maintained that their occupation was lawful: they were employed in executing the statute against new enclosures. The lords lieutenants endeavoured to raise the counties: but few of the inhabitants were disposed to incur the resentment of their poor and exasperated neighbours. At last the noblemen who possessed lands in the disturbed districts, were ordered to repair to their estates; and the gallants at court received a hint that their services would be more acceptable in the field. Thus several bodies of horse were

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gradually formed; they hastened to the disturbed districts, and traversed them in every direction, charging, routing, and slaying the insurgents wherever they attempted to make resistance. To the commissioners appointed to punish the guilty, James recommended moderation and pity. The people, he observed, were not so much to blame. They had been oppressed; and, had not the council intercepted their petitions, would have found redress from his justice. This was the cause of their rising. If they had transgressed the law, they had been driven to it by the rapacity of their lords, and the neglect of the ministers. Captain Pouch and his chief associates suffered as traitors, because they had appeared in arms against the king; several of his followers as felons, because they had not dispersed at the reading of the proclamation. This insurrection, so slowly but easily suppressed, proved the weakness of the government; and the French ambassador assured his court that if any nobleman of talent and popularity had placed himself at the head of the rioters, he would have found it no difficult task to drive back the Scottish prince to his native country.[7]

June 5.

June 28.

In the estimation of thinking men the ministers were not less culpable than their sovereign. If he displayed no solicitude to establish himself

Salisbury and Northampton.

[7] Stow, 889. Bodeie, ii. 279. 291. 299. 312.

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in the affections of his English subjects, they were thought too willing to indulge him in that indolence and dissipation, which transferred to them in a great measure the government of the kingdom. The chief among them were the earls of Salisbury and Northampton, who, of sworn brothers and associates, insensibly became rivals in the pursuit of wealth and power.[8] But it was not long before Salisbury acquired the ascendency. His slow and cautious policy, the fertility with which he invented expedients to disguise his own projects, and the sagacity with which he discovered the real or imaginary designs of foreign courts, endeared him to the timid and suspicious disposition of James; and the familiar appellation of "my little beagle"[9] proved the high place which he held in the estimation of the sporting monarch. Northampton was thought to lean towards the interest of Spain, his more wary rival flattered the secret though unavowed inclination of the king, who, afraid of waging open war against that power, laboured by clandestine means to support and multiply its enemies. It chanced, however, that Anne quarrelled with Northampton; a forced reconciliation, procured by the authority of James, settled into a rooted antipathy; and Salisbury improved the opportunity to secure to himself

[8] Boderie, ii. 135. 201. 440. iii. 344. iv. 21.

[9] Lodge, iii. 272. Sydney papers, ii. 352.

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the good graces of a princess, who with her son, the heir apparent, had hitherto looked on him as a secret enemy. He resigned to her the property of his house at Theobalds; and though he received in exchange more than double the value, had the art to persuade the king and queen that he had done them a favour.[10] From the year 1599 he had been master of the court of wards, the most lucrative office possessed by any subject in christendom:[11] now, on the death of the earl of Dorset, he succeeded him as lord high treasurer, at the special request of the king.[12] This was a grievous mortification to his rival Northampton, who had openly solicited the office; as a compensation James bestowed on him that of keeper of the privy seal, which, if it were inferior in rank and emolument, yet gave precedence in the council, and brought with it the allowance of a plentiful table at court, and fees to the annual amount of £5000.[13]

May, 1697.

1608. May 6.

[10] "On lui baille par ladite échange une terre beaucoup plus "noble, en beaucoup plus belle assiette, autant et plus de domaine et "beaucoup meilleurs, et deux cens mille francs pour bâtir une autre "maison.....néanmoins encore a-t-il fort obligé le roi son maître." Boderie, ii. 254.

[11] Winwood, i. 41. Boderie valued it at 100,000 crowns. In this court he disposed of the marriages of widows, and leased out the lands of minors for one third of the real worth. Aulic. cocquin. 155.

[12] "My master hath laid this honour upon me without suit and "without merit." Sydney papers, ii. 326. But Boderie says it was procured for him by the queen, iii. 302.

[13] Id. iii. 248. 302. Winwood, ii. 399.

CHAP. II.

Union of England and Scotland.

Among the projects which James had formed, there was one upon which he had set his heart, but in which he was strongly opposed by the prejudices of his subjects of both nations. His accession had given to England and Scotland the same head; he wished to unite them in one body. Their obedience to a common sovereign had removed the ancient causes of hostility: but the king looked to a more perfect incorporation, which should communicate to all his subjects the same rights, and should make them all amenable to the same laws. It was a magnificent, but a premature and therefore an imprudent design. James seems not to have been aware of the force of national prejudice; that animosities which have been growing for ages, are not to be eradicated in two or three years; and that the laws and institutions of a people cannot be changed at once, unless by the stern decree of a conqueror. The name of union was received with horror by the Scots, who associated with the sound the idea of national subjection; by the English with scorn, as an invitation given to their poorer neighbours to descend from their mountains, and fatten on the good things of the land. The liberality of the king to his Scottish followers, had created a strong prejudice against any measure which might draw more of his countrymen into England; and the pretensions of the Scottish nobility to take precedence according to the antiquity of their

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titles, had alarmed the pride of many among the English peers who belonged to new families, the descendants of men ennobled since the reformation.[14] By the English parliament the king's proposal was received with coldness, by the Scottish with aversion; nor could the prayer of James obtain from the former, nor his threats extort from the latter, any thing more than the appointment of commissioners to meet and deliberate on the question. These, after several conferences, agreed that all hostile laws between the two kingdoms ought to be repealed; that the border courts and customs should be abolished; that there should be free intercourse of trade throughout the king's dominions, and that the subjects of each should be naturalized in the other.[15] Though these propositions did not equal the expectations of James, he was content to accept them as a foundation for the superstructure which he meditated, and immediately assumed by proclamation the new style of King of Great Britain.[16] When, however, they were laid before the parliament, the two first only were adopted. The king addressed the commons

1604. May 10.

Oct. 20. Dec. 2.

1607. Feb. 25.

[14] Boderie, i. 425. 440. Winwood, iii. 117.

[15] Winwood, ii. 20. 38. Journals of Commons, 318—323. It is a singular circumstance that the commissioners held these conferences in the very mansion which Percy had hired for the purpose of working the mine under the parliament house; so that the conspirators were for several weeks prevented from commencing their work.

[16] Rymer, xvi. 603.

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by letter; he harangued them in person; he detailed the advantages of the proposed measures; he answered their objections; he assured them of his equal attachment to his subjects of each nation.[17] But his eloquence was poured in vain; it only provoked angry discussions, in which his own conduct was not spared: and the foulest aspersions were thrown on the national character of his countrymen.[18] Such language exasperated the pride of the Scots; they scorned a benefit which was grudged them by the jealousy of their opponents; and the inflexible hostility of the two people compelled the king to withdraw his favourite question from the consideration of either parliament.[19]

1607. March 28.

Naturalization of British subjects.

He had, however, the means of establishing the naturalization of all his subjects in both kingdoms by a decision in the courts of law. During the conferences several of the judges had given their opinion, that all persons born

[17] See his speeches in the Journals, 314. 357. 366. Somers' Tracts, ii. 118. and his Letter in Lodge, iii. 232. The chief opposition was in the commons: in the lords it had been confined to the earls of Arundel, Pembroke, and Southampton, and the lords Mounteagle and Burleigh. James sent for them, reproached them with ingratitude, and dismissed them, after they had promised on their knees to vote for him in future. Boderie, ii. 200.

[18] For a speech of this description sir Christopher Pigott was dismissed from his place, and sent to the Tower. Journals, 333. 335. The king had said that through affection for the English, he dwelt in England; one of the members observed, that he wished he would shew his affection to the Scots by going to reside among them, for procul a numine procul a fulmine. Boderie, ii. 223.

[19] Boderie, ii. 142. 148. 302.

under the king's obedience, were by that very circumstance, naturalized in all places under his dominion at the time of their birth; a doctrine most important in its consequences; for, though it excluded the generation in existence at his accession, yet it comprehended all that followed it, and would of course confer in a few years the benefit of naturalization on all the natives of both countries. James was careful to inculcate this doctrine in the proclamation by which he assumed his new title; and it was supported by ten out of eleven judges, who were consulted by the house of lords. But the commons refused to submit to their authority; and, to bring the question to an issue, two suits, one in the chancery, another in the king's bench, were instituted in the name of Robert Calvin, a native of Scotland, born since the death of Elizabeth. It was pleaded in abatement that he was an alien; and a demurrer to the plea brought the question into the exchequer chamber for the solemn opinion of the judges. Two, Walmesley and Foster, pronounced against Calvin; the other twelve with the lord chancellor, in his favour. The right of the postnati was thus established; though the legality of the decision remained still a question among the most eminent lawyers, many of whom contended, that the opinion of the judges had been influenced by the wishes of the sovereign.[20]

1604. Oct. 25. 1608.

1608. Trin.Term.

[20] See Moore's report of the proceedings in parliament, Coke's report of Calvin's case, and the speeches of Bacon and Ellesmere,

CHAP. II.

King's expenses.

The incorporation of the two kingdoms, and the uniformity of religious worship, were the only two questions on which the king distrusted the judgment of his favourite minister. In regard to the first, he suspected him of national prejudice; to the latter, of secret puritanism. On all other questions of importance, James consulted him as an oracle, and was uniformly governed by his advice.[21] But Cecil found that his cares multiplied with his honours; and that his new office of treasurer, if it invested him with wealth and patronage, also surrounded him with difficulties, which, with all his ingenuity, he was unable to surmount. In Scotland, the king had lived in poverty, the pensioner of Elizabeth; when he ascended the English throne, he fancied himself in possession of riches which no prodigality could exhaust. His household, and those of his queen and children, were calculated on the most extensive scale;[22]

printed in the second volume of Howell's State Trials, p. 559—696. That the dissentients were Forster and Walmesley, justices of the court of common pleas, is plain from the assertion of the chancellor that their sirnames were Thomas. There was only one other judge of that name, Fleming, who both in the house of lords, and in the exchequer chamber, gave his voice for the affirmative.

[21] Boderie, ii. 356. iii. 225. 302. iv. 39.

[22] Even the household of Henry and Elizabeth, two children, amounted to a hundred and forty-one persons, fifty-six above, and eighty-five below stairs. Birch's Life of Prince Henry, p. 35. Lodge, iii. 182. 254. In 1610, that of the prince alone had encreased to four hundred and twenty-six individuals, of whom two hundred and ninety-seven were in the receipt of salaries, besides the workmen employed under Inigo Jones. Archæol. xii. 85.

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his entertainments were of the most costly description, and his presents to his Scottish followers, and to foreign envoys, to those who claimed reward for their services, or had the good fortune to attract his favour, were valuable and profuse beyond precedent.[23] He was not to be deterred by remonstrance. To spend was *his* province, to provide money that of his ministers. The treasury was drained; privy seals and forced loans, the usual expedients of his predecessors, produced but scanty and occasional supplies; and so great was the royal poverty, that sometimes the purveyors refused provisions for the king's table; sometimes the treasurer was surrounded in his carriage by the inferior officers of the court, clamorously demanding the arrears of their salaries.[24]

It was fortunate for Cecil, that when he took his seat at the treasury, only a portion of

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[23] Lodge, iii. 180. Winwood, ii. 43. iii. 117. Thus, for example, at the marriage of sir Philip Herbert with lady Susan Vere, he made the bridegroom a present of lands to the yearly value, as some say, of £500, as others, of £1200. At the marriage of Ramsey, viscount Haddington, with lady Elizabeth Ratcliff, he paid Ramsey's debts, amounting to £10,000, though he had already given him £1000 per annum in land, (Winwood, ii. 217.) and sent to the bride a gold cup, in which was a patent containing a grant of lands of £600 a year. Lodge, iii. 254. 336. Boderie, iii. 129. From the abstract of his revenue I find, that his presents at different times in money to lord Dunbar amounted to £15,262; to the earl of Mar to £15,500; to viscount Haddington £31,000.

[24] Boderie, ii. 16. 413. 427. 440. iii. 70. 72. 103. 189. Lodge, iii. 172.

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the three subsidies voted in the last parliament had found its way into the royal coffers. The remainder, as it came in, was by his direction put aside to satisfy the king's creditors; to it were added several large sums raised by the sale of lands belonging to the crown: and in the course of two years, the royal debts were reduced from thirteen to four hundred thousand pounds. At the same time, to cover the annual deficiency of the income, he had recourse to the feudal aid of twenty shillings from every knight's fee towards the knighthood of the king's son, and to the imposition of additional duties, by the sole power of the crown, on almost every article of foreign commerce.[25] The legality of this proceeding was indeed disputed by the country; but the court of exchequer gave judgment in favour of the king, in opposition to the general doctrine, that according to law, no public money could

1608. May. 1609. June 10.

[25] See Boderie, iii. 342. 421. iv. 370. Winwood, iii. 123. The aid of twenty shillings produced only £21,800. Abstract of his majesty's revenue, p. 10. The new impositions were laid at the rate of five per cent. on the value of the goods, and were calculated to have produced £500,000 more per annum. Boderie, iii. 342. At first they must have had a contrary effect, if it be true that "the customs of London fell that year £24,000, and "fewer ships arrived by 360." Winwood, iii. 155. It will perhaps appear singular to the reader that Cecil himself should have been the farmer of the customs. In 1604 he had taken them at an advance of £28,600.

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be raised unless by virtue of an act of the legislature.[26]

New plan of finance.

For more than two years the parliament had been successively prorogued, through the unwillingness of James to meet the men who had presumed to question his prudence, and to speak irreverently of his pleasures. In 1610 his obstinacy was compelled to yield to necessity; and though he declined to open the session in person, he consented, in order to propitiate the commons, to replace on the commission of the peace those members whom he had previously removed in punishment of their opposition to his measures. In a conference of the two houses, the treasurer ventured to explain his new plan of finance. In the first place, he demanded an immediate supply of £600,000 to relieve the existing wants of the king: and, secondly, a yearly addition of income to the amount of £200,000 to prevent their recurrence. In return, he exhorted them to make known their grievances, and promised that the liberality of the sovereign to his people should be commensurate with their liberality to him. The proceedings which grew out of this communication will

1610. Feb. 15.

[26] In the court of exchequer judgment was given against Bates, a merchant, who had paid the legal poundage of two shillings and sixpence per hundred weight on a cargo of currants, but refused to pay the impost of five shillings in addition. The speeches of the two judges, Clark and Fleming, may be seen in Howell's State Trials, ii. 382—395.

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prove interesting to those who study the constitution of their country.[27]

1°. Considerable rivalry had long existed between the courts of common and civil law: the latter bitterly complained of the "prohibi-"tions" issued by the former; and James, in his attempts to silence these disputes, could not conceal his predilection in favour of a code which magnified the power and the rights of the sovereign. On this subject a book entitled "The Interpreter," had been lately published by Dr. Cowell, a civilian, at the solicitation, it was supposed, of the archbishop, and with the private approbation of James. Under the heads of "king, subsidy, parliament, and prerogative," Cowell had laid down principles subversive of the liberties of the subject. Transferring to the king of England all those powers which had been exercised by the emperors of Rome, the author contended that he was not bound by the laws of the realm; that in virtue of his prerogative, he could make laws without the consent of parliament; and that if the two houses were summoned to concur in the grant of subsidies, it was a mere matter of favour, not of right. The commons were alarmed: they claimed the aid of the lords to punish the author of doctrines so new and unconstitutional; and James, unwilling to pro-

[27] Winwood, iii. 123, 124. Boderie, v. 189 Journals, 393.

voke those whom it was his interest to conciliate, informed both houses by message, that having sent for the author, and considered his explanation of the objectionable passages, he had determined to suppress the work, and to look on those who should defend it as his enemies. Cowell expiated his offence by a short imprisonment; the sale of his book was forbidden by proclamation.[28]

Impositions.

2°. A motion to inquire into the legality of the impositions had been made and entertained in the house of commons. James, in a speech which scandalized the saints, and alarmed the patriots, read them a long lecture on the numerous points in which kings were the representatives and the images of God. Like him they could make and unmake, exalt and debase, give life or death: like him they were the judges of all, but accountable to none; and like him they claimed both the affections of the souls, and the services of the bodies of their subjects. If it were blasphemy to deny the power of God, so it was sedition to deny the power of the king. Such was he, as king in the abstract; but as king of England, it was, and always would be, his intention to govern according to the law of England. He was always ready "to make the reason appear "of his doings," but would never suffer any

[28] Journals of Commons, 400. 409. Of Lords, 561. 563. Coke's Detection, 59.

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question to be made of his power. He therefore forbade them to dispute the right of levying impositions, though if they thought proper, they might enquire into the exercise of that right.[29] But the prohibition was disregarded: they appointed a committee to search for precedents, and the discussion occupied the house during the remainder of the session. In favour of the prerogative, the crown lawyers appealed to the "reverence of past ages, and to the possession of "present times:" they maintained that the practice of imposing duties on imports and exports had been in full vigour during the reigns of the three first Edwards; and that if it had been interrupted from Richard II. to Mary, (an interval of two centuries) it had been renewed by that princess, and continued by her sister Elizabeth. It was replied, that none of the more ancient precedents bore any resemblance to the late illegal measure; they were licences for the import or export of forbidden articles, or attempts to raise money in times of necessity, which had always excited complaint, and

[29] James's Works, 529. Journals of Lords, 597. Of Commons, 430. The king's speech gave much discontent. He strained the prerogative so high, that men began to fear, "they should not "leave to their successors that freedom they received from their "forefathers, nor make account of any thing they had, longer than "they listed that governed." Winwood, iii. 175. The writer of the letter hinted, however, that the treasurer would maintain his doings, knowing, that though men storm ever so much, yet vanæ sine viribus iræ. Ibid.

had generally been followed by redress; that the instance alluded to in the reign of Mary, though illegal in itself, was reasonable in its motive, as it proved to be no more, in fact, than an expedient to defeat an evasion of the duty fixed by the law;[30] and that to raise money by the sole authority of the crown, was contrary to magna charta, to the statute de tallagio non concedendo, and to twelve other parliamentary enactments. It is evident that the opposition members had the better of the argument, though they had to contend against the eloquence and talents of Sir Francis Bacon, the attorney-general.[31]

Feudal burthens.

3°. To exonerate themselves from the feudal burthens, the commons demanded the abolition of purveyance, and the exchange of every other kind of tenure, into that of free and common soccage. To the first the king made no objection; but he absolutely refused, as dishonourable to himself, and to the gentility of

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[30] The exporters of wool, to evade the high duty, manufactured it into a very coarse kind of cloth, which paid only four shillings and fourpence. Mary, as a compensation, raised this duty to five shillings and sixpence.

[31] Winwood, iii. 175. See Bacon's argument in his works, ii. 223. The answers of Hakewell and Yelverton in Holwell, ii. 407—519. Boderie, v. 271. 355. Salisbury, to excuse his conduct, alleged the example of the last lord treasurer, the assent of the merchants which he had obtained, and the judgment of the barons of the exchequer. "So that if there was a fault, he was still rectus in curia." Birch's Negociations, p. 320.

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England, to reduce all his subjects, noble and "base, rich and poor, to hold their lands in the "same ignoble manner." It was at length resolved, that the honours, rents, personal services, suits in courts, escheats and reliefs, should remain, while wardships, the marriages of infants and widows, and other onerous and oppressive services, should be done away. On these terms the lords accepted the office of negociating between the king and the commons. James gradually reduced his demand from £300,000 to £220,000 per annum; they gradually rose from £100,000 to £180,000. The difference was not great; but each party refused to advance another step, till the threat of a dissolution prevailed on the commons to make a last offer of £200,000, which was gladly accepted by Cecil, as the fruit of his address and perseverance. Nothing remained but to assign the funds from which this new revenue was to be raised; but the session had been protracted into the midst of summer; it was agreed to resume the subject after the prorogation, and
July 11. the paltry aid of one subsidy, and one tenth and fifteen, was granted for the support of the royal household during the interval.[32]

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[32] Journals of Commons, 410. 448. 451. Of Lords, 660. 662. Winwood, iii. 129. 131. 145. 153. 155. 193. 201. Lodge, iii. 189. A tenth and a fifteenth were a fixed sum, £36,500; a subsidy varied in amount. In the beginning of Elizabeth's reign, it is said to have reached to £120,000, at the end to no more than £78,000.

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Grievances.

4°. Besides these great objects of contention, the commons presented several petitions for the redress of particular grievances, to which the king replied principally at the end of the session. Some he granted: to others he promised to give the most serious attention: a few he unequivocally refused.[33] Among them the reader will be surprised to learn that there was one praying that, in cases of prosecution for capital offences, the prisoner might be allowed to bring forward witnesses in his own defence. James replied, that he could not in conscience grant such an indulgence. It would encourage and multiply perjury. Men were already accustomed to forswear themselves even in civil

(Journals, 448.) On this occasion, though the three counties of Northumberland, Cumberland and Westmoreland were rated for the first time, it raised only £69,666. Abstract of his majesty's revenue, p. 71.

[33] To the complaint that some of his proclamations tended to alter the law, others to inflict punishment before trial, James answered that he would revise his proclamations, reform them where cause should be found, and issue none which were not conformable to the laws, or to the practice of his predecessors in cases of necessity. Lords' Journals, 659. Somers' Tracts, ii. 162. In consequence the judges were consulted respecting two proclamations, one prohibiting new buildings in and about London, the other the making of starch from wheat. The counsellors urged that every precedent must have a beginning: that if there were no precedent for such things, it was time to make one, in order to support the royal prerogative. But the judges replied that no proclamation could make that an offence which was not one before, because that was to alter the law, which could only be done by act of parliament. Proclamations were useful to inform the subjects of the penalties to which offenders were liable by law, but they could effect nothing more. 12 Coke's Reports, 74.

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Death of Salisbury.

actions: what less could be expected, when the life of a friend was at stake?[34]

It is probable that his answers to the petitions did not give satisfaction. The loss of the journals has deprived us of the particulars of the next session: but we know that the com-

Oct. 16. mons added to their former demands; that the king pertinaciously adhered to his last offer; and that after repeated threats, he prorogued

Dec. 6. the parliament for nine weeks. This interval was employed in secret intrigues to weaken the ranks of the opposition: but the attempt failed;

Dec. 31. and on the appointed day the parliament was dissolved.[35] To Cecil the failure of his favourite plan proved a source of the most bitter vexation.[36] He had indeed negociated treaties with the French monarch and the states general, both of which powers promised to pay by distant instalments their debts to the English king. But these offered at present no sufficient

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[34] Journal of Commons, 451; of Lords, 658. Winwood, iii. 193.

[35] Journals of Lords, 684, 685. Winwood, iii. 124. 235. Boderie, v. 492. 510.

[36] Much praise has been given to him for his disinterestedness in this attempt, as he would have lost his lucrative office in the court of wards. Winwood, i. 41. But if we may believe Boderie, an indemnification for himself entered into his plan; he meant to demand £40,000 in money, and £200 a year in land. Boderie, ap. 10. vol. v. p. 189. On the 17th of July he hinted his loss to the commons: and on the 19th sir Maurice Berkley moved that the house would remember the honour, the dignity, and the profits of the earl, who thus surrendered so valuable an office. Journals, 451, 452.

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resource. The treasury was empty; the officers of the crown demanded their salaries; and the old expedients were repeated of offering a portion of the crown lands for sale, and of sending privy seals for loans of money into the different counties.[37] But he lived not to see the effect of these measures. His constitution sunk under the depression of his spirits.[38] The waters of Bath produced no alleviation: and he expired at Marlborough on his return to London.[39]

1611. Nov. 29.

1612. May 3. May 24.

While Cecil had laboured in vain to supply the wants of the treasury, the king's attention had been occupied by occurrences within the circle of his own family. The reader is already

Arabella Stuart.

[37] Winwood, iii. 235. 239. 301. "The privy seals are going forth, but from a trembling hand, least that sacred seal should be refused by the desperate hardness of the prejudiced people." Ibid 309. They raised however £111,046, which was not repaid five years later. Abstract, p. 11. There was also a silver mine in Scotland, which excited great expectations. Boderie, iii. 128. 162. 189. 424. It produced ore to the value of £1000, which in working cost £3059. Abstract, p. 10. 13.

[38] Winwood, iii. 332. "What is worst of all, he is melancholy, "and heavy spirited; so it is on all hands concluded, that his "lordship must shortly leave this world, or at least disburden himself of a great part of his affairs." 338. February 17.

[39] "Your majesty hath lost a great subject and a great servant. "But if I should praise him in propriety, I should say that he "was a more fit man to keep things from getting worse, but no "very fit man to reduce things to be much better. For he loved "to have the eyes of all Israel a little to much on himself, and "to have all business still under the hammer, and like clay in the "hands of the potter to mould it as he thought good, so that the "was more in operatione than in opere." Bacon, vi. 52.

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aequainted with his cousin-german, Arabella Stuart. Her descent, like his own, from Margaret, the eldest daughter of Henry VII., had formerly taught him to look upon her as a rival; and a suspicion haunted his mind, that her pretensions, if they were suffered to survive her, might prove dangerous to his own posterity. He treated her indeed as his kinswoman, granting her a pension for her support, and allotting her apartments in the palace: but at the same time he secretly condemned her in his own breast to a state of perpetual celibacy. In her childhood she had been aequainted with

1611. Feb. 2.

William Seymour, son to lord Beauchamp: their friendship as they grew up ripened into a more tender passion; and an officious courtier revealed to the king that Seymour had made her a proposal of marriage. New terrors instantly sprung up in the royal mind; for Seymour had also pretensions to the crown, being equally deseended from Henry VII. through Mary,

Feb. 10.

the sister of Margaret. The lovers were twice summoned before the council, reprimanded for their presumption, and forbidden on their allegiance to marry without the royal permission.[40] They submitted till the next interview: a furtive marriage took plaee; and Arabella, when she refleeted on her disobedienee, sought to quiet her apprehensions with the recollection of a

[40] Winwood, iii. 117. 119.

promise which she had recently extorted from James, that he would not oppose her union with any nobleman, provided he were one of his own subjects. A few days dissipated the illusion. He was committed to the Tower—*she* to the custody of sir Thomas Parry, at Lambeth.[41] Their fate, however excited pity. Stolen interviews were suffered by the negligence or the connivance of the warders; and the king, to ensure their separation, ordered Arabella to be removed to the city of Durham. She refused to leave her chamber: but the officers carried her in her bed to the water side, placed her in a boat, and conveyed her to the opposite bank. She had reached Barnet, when James on the report of his own physician, relented; and allowed her to reside a month at Highgate, for the recovery of her health. There her apparent resignation to the royal will deceived all around her: and on the very day on which the bishop of Durham departed to provide lodgings for his distinguished guest, she left the house in male attire, rode to Blackwall, and, descending the river, was taken up by a French bark, hired for the purpose.[42] At the same hour, Seymour, dis-

[41] Boderie, v. 357. Winwood, iii. 201. Melville, the Scottish minister, who had been committed for a sarcastic epigram on the altar in the royal chapel, welcomed Seymour with the following lines:

Communis tecum mihi causa est carceris, Arabella tibi causa est, araque sacra mihi. Winwood, ibid.

[42] "Disguising her selfe by drawing a pair of great French-

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guised as a physician, passed unsuspected through the western gate of the tower. A boat was in readiness to convey him to the bark: but the French captain agitated by his fears, refused to wait, and in opposition to the entreaties of Arabella, proceeded out to sea; while Seymour, uncertain of the course taken by his wife, prevailed on a collier for the sum of forty pounds to land him on the coast of Flanders. The intelligence of their escape revived and confirmed the apprehensions of James, who attributed it to some deep and unknown conspiracy to place them on the throne. But in the course of the day the French bark, which lay off the Nore, still waiting for Seymour, was taken after a short action by an English cruiser, and the unfortunate Arabella was consigned to the Tower. At first she bore her fate with fortitude, consoling herself with the recollection that her husband was safe. But to her petition for liberty James replied that, "as she had tasted "the forbidden fruit, she must pay the forfeit

"fashioned hose over her petticoats, putting on a man's doublet, "a man-lyke perruque with long locks over her hair, a blacke hat, "black cloake, russest bootes with red tops, and a rapier by her "syde, walked forth between three and four of the clock with Mr. "Markham. After they had gone on foot a mile and a halfe to a "sorry inne, where Crompton attended with their horses, she grew "very sicke and fainte, so as the ostler that held the styrrop, said "that gentleman would hardly hold out to London. Yet being set "on a good gelding astryde in an unwonted fashion, the stirring of "the horse brought blood enough into her face, and so she rid on "towards Blackwall." Winwood, iii. 279.

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"of her disobedience." After some time the rigour of her confinement was increased in punishment of some additional offence; and her mind, yielding to despair, betrayed symptoms of derangement. In the fourth year of her imprisonment she expired, the victim of an unfeeling policy, which, to guard against an uncertain and imaginary danger, scrupled not to rob a female relative of her liberty and life.[43]

Death of prince Henry.

While the king thus punished the marriage of his cousin Arabella, he was busily engaged in

[43] Winwood, iii. 442. 454. Mr. D'Israeli has collected much interesting information respecting Arabella in his new series of the Curiosities of Literature, i. 256—291. Elizabeth Cavendish, countess of Shrewsbury, aunt to Arabella, was at the same time sent to the Tower, on a charge of having been her adviser. The latter, in the presence of the council, answered every question regarding herself, but begged to be excused saying any thing to the prejudice of the countess, who resolutely refused to answer at all. She had made, she said, a vow not to reveal any of the particulars. and demanded, if there were any charge against her, to be tried by her peers.—James, imitating the conduct of Elizabeth in the case of the earl of Essex, ordered her to appear before certain commissioners, consisting of the chancellor, the archbishop, several lords of the council, and four of the judges. By them it was declared, 1°. that the refusal to answer questions put by royal authority, was a high contempt of the king, whether the respondent were nobleman or commoner: 2°. that as they formed not a court of justice, they had no authority to judge, but only to admonish the countess of the offence and of its consequences: and, 3°. that the offence, if the cause had been brought before the star-chamber, would have been visited with a fine of £20,000, and imprisonment during pleasure. Howell's State Trials, ii. 770—775. On this occasion lord Coke numbered among the privileges of the peerage, exemption from torture in cases of high treason. Ibid. 773. Lady Shrewsbury remained in the Tower till the death of Arabella, when she was discharged. Truth brought to Light, p. 70.

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negociating marriages for his son Henry, and his daughter Elizabeth. Henry, the heir apparent, had reached his eighteenth year. There existed but little affection between him and his father. James looked on him with feelings of jealousy and even of awe; and the young prince, faithful to the lessons which he had formerly received from his mother, openly ridiculed the foibles of his father, and boasted of the conduct which he would pursue, when he should succeed to the throne. In the dreams of his fancy he was already another Henry V. and the conqueror of his hereditary kingdom of France. To those who were discontented with the father, the abilities and the virtues of the son became the theme of the most hyperbolical praise: the zealots looked on him as the destined reformer of the English church; some could even point out the passage in the apocalypse which reserved for him the glorious task of expelling antichrist from the papal chair.[44] With the several matches prepared for him by his father, it were idle to detain the reader; his marriage, as well as his temporal and spiritual conquests, was anticipated by an untimely death, which some writers have at-

[44] Osborne, 264. Harrington tells us that the following rhyme was common in the mouths of the people:

Henry the eight pulled down the abbeys and cells,
But Henry the ninth shall pull down bishops and bells.

Nugæ Antiquæ, ii. 3.

tributed to poison, some to debauchery, and others, with greater probability, to his own turbulence and obstinacy. In the pursuit of amusement he disregarded all advice. He was accustomed to bathe for a long time together after supper, to expose himself to the most stormy weather, and to take violent exercise during the greatest heats of summer. In the spring of 1612, a considerable change was remarked both in his appearance and temper: he spent the month of September in the country in his usual manner, hunting, feasting, and playing at balloon and tennis; and on his return to Richmond, found himself so ill that the court physicians were consulted. His indisposition, however, encreased: and in the course of a fortnight he expired, to the great sorrow of the people, who in their conjectures, did not spare even the reputation of his father. From the journal of his sickness, and the report of the surgeons who opened the body, it is evident that he died of a malignant fever.[45]

1612, Oct. 10.

Nov. 6.

The princess Elizabeth was the only survivor of four daughters, and, after her two brothers, the next heir to the throne. She had many suitors, among whom the most distinguished

Marriage of princess Elizabeth.

[45] Aulicus Coquinariæ, 239. 241—251. Hearne's Otterbourne, pref. Somers' Tracts, ii. 231—252. "Ex febri contumaci, quæ ubique a magnis et insulanis fere insolitis siccitatibus ac fervoribus orta per æstatem populariter grassabatur, sed raro funere: dein sub autumno erat facta lethalior." Bacon, vi. 60.

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were the young king of Spain, the prince of Piedmont, and Frederic count Palatine of the Rhine. Of these James, allured by the splendour of the alliance, preferred the first; but to his suit strong opposition was made both by the zealous protestants in England, and by the papal nuncio in Spain. The former trembled lest by the marriage the right to the succession might eventually fall to the Spanish kings: the latter deprecated the introduction of a protestant princess into a family which had been so long distinguished by its attachment to the catholic creed.[46] Of the other rivals the pretensions might in many respects be considered as equal: but the profession of the reformed faith by Frederic, gave him the preponderance; and as soon as the articles of the marriage had been signed, he

1612. Oct. 15.

came to England to receive his young and beautiful bride. A long succession of feasts and amusements had been prepared to celebrate the event: but the unexpected death of prince Henry threw a gloom over the court; and though the parties had been affianced to each other in December, it was not till Valentine's

1613. Feb. 14.

day that the marriage ceremony was perform-

[46] The objection was that though the children would be educated in the faith of the father, it was very possible that early impressions received from the mother might induce them to leave it at a later period of life. MS. letter in my possession. This objection seems not to have been groundless. Elizabeth's brother, Charles, married a catholic princess: and his two sons Charles II. and James II. though educated protestants, both became catholics before their death.

ed.[47] Never had the English court appeared in such splendour. The king, the queen, and the prince were covered with jewels belonging to the crown; and the nobility (no one was admitted under the rank of baron,) vied with each other in magnificence of dress. Elizabeth, who was only in her sixteenth year, wore a white robe with a coronet of gold on her head, and her long hair flowing in tresses on her shoulders. She was conducted by her bridemen, the young prince her brother on one hand, and the aged earl of Northampton on the other; and was followed by twenty bridemaids of her own age, dressed in white and embroidery.[48] She ascended the platform in the royal chapel with a lightsome foot and smiling countenance: the Palatine performed his part with accuracy and gravity; but the princess, whether it were from joy or levity disturbed the solemnity of the scene by a low titter, which soon burst into a loud laugh. The ceremony was concluded with public rejoicings: but the superstitious

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[47] See their first meeting and the marriage in Winwood, iii. 403. 434, 435. Somers' Tracts, iii. 40. Philoxenis, p. 11. and Wilson, 690. Their espousals in Ellis, iii. 110. note. To defray part of the expense the king levied the feudal aid of twenty shillings on every knight's fee, and on every twenty pounds of lands held in soccage. (Rymer 722. 735.) It produced £20,500. (Abstract of Revenue, p. 11.) The total expense amounted to £53,294, exclusive of her portion of £40,000. Ibid. p. 14.

[48] "The king's majestie was in a most sumptuous black sute, the "queen attired in white sattin." Somers' Tracts, iii. 40.

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considered the conduct of the bride as ominous of misfortune, and the disastrous consequences of the marriage were afterwards thought to have verified their anticipations.

King's favourites.

From the king's children we may pass to his favourites. From the commencement of his reign, he had surrounded himself with several of his countrymen, on whom his partiality had lavished wealth, and offices, and honours: but among them there was no individual, as long as Salisbury lived, who seemed to possess exclusively his affection, and to monopolise the distribution of favours. The death of that powerful minister allowed James to follow his own inclinations: he first selected Robert Carr, and afterwards George Villiers as the objects of peculiar attachment; and these, the creatures of the royal caprice and bounty, soon acquired the government of the king himself, and through him of his three kingdoms.

Carr earl of Somerset.

Carr owed his brilliant fortune to accident. At a tilting match the lord Hay had appointed him his equerry, to present his shield, according to custom, to the king. In the performance of this duty, Carr was thrown from his horse, and broke his leg in the fall. James ordered the young man to be carried into a neighbouring apartment, sent a surgeon to attend him, and repeatedly visited him in person. He found that Carr, when a boy, had been his page in Scotland, and was of the family of Ferny-

herst, the son of one who had suffered much in the cause of the unfortunate Mary Stuart. The plea of his services and those of his father was aided by the beauty of his person,[49] and the ingenuousness of his answers. Pity insensibly grew into affection: James looked on his patient as an adopted child: he even took the pains to instruct him in the Latin grammar; and what was more to the purpose, in "the craft of a courtier."[50] After his recovery he was daily distinguished with marks of the royal favour: riches and honours poured down upon him: the lands which escheated to the crown, and the presents offered by those who solicited his mediation with the sovereign, gave him a princely fortune; and he was successively raised to the honours of baron Branspeth, viscount Rochester, and knight of the garter. Still he affected to take no part in the conduct of affairs, till the earl of Salisbury died, when several important offices became vacant, and the hope of obtaining them, or the places of those who might obtain them, filled the court with a multitude of can-

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1612. May 24.

[49] This fellow is straight-limbed, well-favoured, strong-shouldered, and smooth-faced. Nugæ Antiquæ, i. 390.

[50] "The prince leaneth on his arm, pinches his cheek, smoothes "his ruffled garments. The young man doth much study art and "device: he hath changed his tailors and tiremen many times, and all "to please the prince. The king teacheth him Latin every morning, "and I think some one should teach him English too: for he is a "Scotch lad, and hath much need of better language." Ibid.

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didates. Of these many sought the protection of the two Howards, the earl of Suffolk, lord chamberlain, and the earl of Northampton, lord privy seal; while others professed themselves the dependants of the young favourite, the viscount Rochester. The court was agitated by intrigue, jealousy and enmity: and James, for more than a year, balanced between the two parties, seeking in vain to reconcile their opposite pretensions.[51] It was however, a fortunate time for Rochester, who, though he held no official situation, transacted business as prime minister and principal secretary.[52] Unequal to the task himself, he employed the aid of sir Thomas Overbury, who, from Carr's first introduction to the king, had been his guide and assistant. Overbury was an able and artful counsellor, but violent, capricious, and presuming. Though he had been banished from the court for an insult offered to the queen, he was soon recalled at the solicitation of Rochester; but he could never obtain the good will of the monarch, who continued to look on him as a rival in the affections of his favourite, and the fomentor of the factions which divided his ministers. By the public he was courted on account of his influence with his patron: valuable presents

Sir Thomas Overbury.

1611. Nov. 8.

[51] "These offices have in the time of their emptyness been the "subject of notorious opposition between our great viscount and "the house of Suffolk." Reliq. Wotton. p. 408.

[52] Birch, Negociations, 349, 350.

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1613.

were given to secure his favour: and on the morning of the 21st of April, he boasted to sir Henry Wotton of his good fortune, and of the flattering prospects which lay before him. Yet that very day before sun-set he was committed a close prisoner to the Tower.[53] The occasion of his disgrace was the unfortunate passion of the viscount for the lady Francis Howard, the daughter of the lord chamberlain, Suffolk. At the age of thirteen she had been married to the earl of Essex, who was only a year older than herself. Immediately after the ceremony, the bridegroom proceeded to the university, and thence to the continent: the bride was consigned to the care of her mother, who bestowed more attention on the ornamental than the moral education of her daughter. The young lady Essex became the boast of the court: and her wit, her beauty, and her acquirements raised her above competition: but when her husband returned, she received him with manifest tokens of dislike, and, if she occasionally consented to live with him, it was always owing to the peremptory commands of her father. The meetings between them were short: he complained of the coldness of his wife; she spent her time in tears and recriminations—till at last these dissensions produced on the part of each a rooted antipathy to the other. At court she had

Cause of his imprisonment.

[53] Reliq. Wotton, 408—410. Winwood, iii. 447. State Trials, ii. 993. Birch, 329. 340.

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many admirers, among whom were prince Henry and Rochester. But the latter was the favoured lover: and in one of their furtive meetings, it was proposed that she should sue for a divorce from Essex, and afterwards marry the viscount. Her father and uncle were led by political motives to approve of the project; and the king hailed it as the means of extinguishing the rivalry between his favourite and his two ministers: but by Overbury, though he had hitherto been the pander to their pleasures, it was decidedly and violently opposed.[54] He foresaw the ruin of his own hopes in the reconciliation of his patron with his enemies: he objected the "baseness of the woman," and the infamy of such a marriage: and he declared that he both could and would throw an insuperable obstacle in the way of their union.[55] Rochester had the weakness to betray his adviser, and Francis in her fury offered £1000 to sir John Wood to take Overbury's life in a duel: but her friends suggested a more innocent expedient to remove him from court, by sending him on an embassy to France or Russia. His

[54] "You wonne her," he says, "by my letters." Winwood, iii. 479.

[55] This was repeatedly asserted at the trials, and acknowledged by Rochester himself. But what was this obstacle? I cannot conceive that he could prevent the marriage in any other way, than by revealing the secret of their private amours for the last twelve months, and the real object of the divorce. See his letter in "Truth brought to "Light," 47.

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inclination was first sounded by the archbishop of Canterbury, and then an order, that he should accept the mission, was brought to him by the lord chancellor and the earl of Pembroke. He refused, observing that the king could not in law or justice exile him from his country. This answer was pronounced a contempt of the royal authority, and the delinquent was committed, with the consent of his patron, to the custody of the lieutenant of the Tower.[56] April 21.

Divorce of the earl and countess of Essex.

Within a few days proceedings for a divorce between the earl and the countess of Essex, on the ground of physical incapacity, were instituted before a court of delegates appointed by the king. All the judicial forms usual on such occasions were carefully observed. But a general suspicion existed, that both the parties in the suit, and the judges who pronounced in their favour, acted in opposition to the dictates of their consciences; and it was reproached to James that instead of remaining a silent spectator, he had spontaneously come forward, and exerted himself in the progress of the cause with the warmth and partiality of an advocate: an indiscretion which probably was prompted by affection to his favourite, whose gratitude or policy unexpectedly relieved the immediate wants of his sovereign with a present of 25,000.[57]

[56] Winwood, iii. 447. 453. Wotton's letters in his Reliquæ, 408. 411, 412.

[57] "We being at a dead lift, and at our wit's end for want of

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However that may be, the king undertook to brow-beat the judges, he answered their arguments;[58] he forbade them to take additional
Sept. 25. examinations; he increased their number: and at last procured a decision in favour of the divorce, by a majority of seven to five.[59] Overbury lived not to be acquainted with this judgment. On the preceding day he expired, after a confinement of six months; during which he had not been permitted to see his friends, or to communicate with them by letter. The time, the manner of his death, the reported state of the body, and its precipitate interment, provoked a general suspicion that he perished by poison.

Marriage of Somerset.

After a short delay, Frances Howard was

"money, he sent for some officers of the receit, and delivering them "the key of the chest, bid them take what they found there for the "king's use; which they say was four or five and twenty thousand "pounds in gold." Winwood, iii. 453.

[58] "If a judge should have a prejudice in respect of persons, it "should become you rather to have a kind of implicit faith in my "judgment, as well in respect of some skill I have in divinity, as "also that I hope no honest man doubts the uprightness of my con-"science: and the best thankfulness that you, that are so far my "creature, can use towards me, is, to reverence and follow my "judgment, and not to contradict it except where you may demon-"strate unto me that I am mistaken, or wrong informed." King's letter to archbishop Abbot. State Trials, ii. 862.

[59] See the proceedings with a long account of the whole by archbishop Abbot, in Howell, ii. 785—862. Most of the judges who favoured the nullity were rewarded by the king, but severely censured by the public. The son of Bilson, the bishop of Winchester, was knighted in consequence, and was always afterwards known by the name of sir Nullity Bilson. Ibid. 829.

married in the royal chapel to her lover, who, that she might not lose in title by the exchange, had been previously created earl of Somerset. At the ceremony she had the boldness to appear with her hair hanging in curls to her waist, the appropriate distinction of a virgin bride: the king and the chief of the nobility honoured the nuptials with their presence, and a long succession of feasts and masks, in which the city strove to equal, if not to outshine, the court, attested the servility of the men, who, to ingratiate themselves with the royal favourite, could make public rejoicings in celebration of a marriage, which in private they stigmatised as adulterous and illegal.[60]

Nov. 4.

Dec. 26.

New parliament.

This event sealed the treaty of union, which had been negociated between Somerset and his opponents, and extinguished the feuds, which had so long distracted the royal councils. There remained but one source of solicitude, that which haunted the king till his death, the want of money. The failure of every temporary expedient proved that the real remedy was to be sought in the benevolence of the nation; but James had already suffered so many defeats in parliament, his nerves were so agitated at the idea of a new contest, that to overcome his repugnance, his

[60] Wilson, 693.

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advisers "undertook," (from the word they acquired the name of undertakers,) to secure a decided majority in favour of the court. In former reigns it had been found sufficient for this purpose, if the chancellor made known the wishes of the prince to the sheriff: in the present, all the influence of the crown, and of the servants of the crown, was employed; and the result demonstrated, that there existed among the people a spirit decidedly hostile to the prevailing system of

1614. April 5.

government. The king opened the session with a conciliatory speech, which he followed up with a request for pecuniary aid, and an offer to redress a multitude of minor grievances, enumerated in the petitions of the last parliament. But little attention was paid to the royal message. 1°. The house resounded with complaints of the arrogance of the undertakers, who had interfered with the liberty of election, and had violated the privileges of the commons. The validity of several returns was debated: a question was even raised, whether the attorney-general, sir Francis Bacon, could legally sit in the house; and if he was ultimately permitted to retain his seat for the present session, it was only on account of some pretended necessity of state, and with an un-

April 11.

derstanding that the indulgence should not be

extended to his successors in office.[61] 2°. Instead of passing to the consideration of the supply, the commons devoted their time to the questions which had already given so much offence, the claim of the king to levy "impositions," and grant monopolies. 3°. Some expressions, attributed to the bishop of Lincoln, in the higher house, set the lower in a ferment. He was reported to have said, that to dispute the right of imposition, was to lay the axe to the root of the prerogative; and to have hinted his apprehensions that in a projected conference, words might be used of an inflammatory and seditious tendency. The commons called on the lords to punish the man who had thus slandered their loyalty, and received for answer, that the bishop had disclaimed with tears and protestations, all intention of offending that house, for which he entertained the highest respect.[62] May 31.

[61] On searching for precedents, it was admitted that members of that house had been made attorneys to the king without vacating their seats; but no instance had occurred in which a person, actually invested with the office had been returned a member.

[62] Lords' Journals, 713. According to the present practice one house is supposed to be ignorant of what passes in the other: but the lords instead of vindicating their privilege, merely hinted at it in their answer: that they had given contentment to the commons for the better expediting of his majesty's business; but "that hereafter no member of their house ought to be called in question, "when there is no other ground but public and common fame." Ibid.

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This explanation did not satisfy his enemies; but the patience of James was exhausted; he
May 31. commanded the commons to proceed to the consideration of the supply, and punished their dis-
June 7. obedience by a hasty dissolution. The next
June 8. morning the most violent and refractory of the members were called before the council; they were told, that though the king had given them liberty, he had not authorised licentiousness of speech; and five of the number were committed to the Tower. Neither could they obtain their discharge before they had revealed the names of their prompters and advisers, who, in their turn were called before the council and imprisoned. In the quaint language of the time this was called the addle parliament.[63]

The death of the earl of Northampton, which followed in the course of a week, occasioned a new distribution of offices at court.
July 13. Suffolk was made lord treasurer; Somerset

[63] They were 1°. sir Walter Chute, "who, to get the opinion of "a bold man after he had lost that of a wise, fell one morning into "an insipid and unseasonable declamation against the times." 2°. John Hoskins, who "is in for more wit, and for licentiousness "baptized freedom.", 3°. Wentworth, a lawyer, "whose fault was, "the application of certain texts in Ezekiel and Daniel, to the "matter of impositions;" and 4°. Christopher Nevil, "a young "gentleman fresh from the school, who having gathered together "divers latine sentences against kings, bound them up in a long "speech." Reliquæ Wottonianæ, 433.—This was the first parliament in which the commons, to exclude catholics, made an order that every member should publicly receive the sacrament before he took his seat. Journals, 457.

succeeded him in the office of chamberlain, acting at the same time, but without any patent of appointment, as lord privy seal; and every inferior department which was not filled by their relatives or dependents, was sold without scruple to the highest bidder.[64] Their great solicitude was to discharge the interest, and to prevent the increase, of the king's debts; and with this view, besides the temporary expedients so often before adopted, they had recourse to a benevolence, which was at first confined to persons in office, but afterwards required from others.[65] James himself suggested another measure, a reduction of the expenses of his household, to which his ministers consented, but with considerable reluctance, fearing, probably, what they afterwards experienced, that all who should suffer from the new system of economy, would hasten to join the ranks of their political opponents.

Rise of George Villiers.

In the sale of offices, that of cup-bearer had fallen to George Villiers, one of the sons of sir Edward Villiers, of Brookesby, in Leicestershire. He was tall and well proportioned; his features bespoke activity of mind and gentle-

[64] Thus lord Knolles was made master of the court of wards without purchase, because he had married a daughter of lord Suffolk, while sir Fulk Greville, for the chancellorship of the exchequer, gave £4000 to lady Suffolk and lady Somerset. Birch, Negociations, 380.

[65] The benevolence produced £52,909. Abstract of his Majesty's Revenue, p. 12.

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ness of disposition; and a short residence in the court of France had imparted to his manners that polish, which James had sufficient taste to approve in others, though he could not acquire it himself. The new cup-bearer immediately attracted the notice of his sovereign, his answers to different questions improved the favourable impression made by his external appearance; and the warmth with which the king spoke in his commendation, suggested to the earls of Bedford, Pembroke, and Hertford, the idea of setting him up as a rival to Somerset. The resolution was taken at a great political entertainment given at Baynard's castle;[66] and archbishop Abbot was employed to solicit the co-operation of the queen. After many refusals she consented, though her reply proved her thorough acquaintance with the character of her husband:—"My lord, you know not what you "desire. If Villiers gain the royal favour, we "shall all be sufferers. I shall not be spared "more than others. The king will teach him
1615. April 23. "to treat us all with pride and contempt."[67] On

[66] Aul. Coq. 261.

[67] Abbot who himself tells the anecdote, observes that the king would never admit any to nearness about himself, but such as the queen should commend to him, that if she should complain afterwards of *the dear one*, he might make answer, it is long of yourself, for you commended him unto me. Our old master took delight strangely in things of this nature. Rushworth, i. 446.

St. George's feast the cup-bearer was sworn a gentleman of the privy chamber, with a yearly salary of £1000: and the next day, while he was employed in the duties of his new office, he received the honour of knighthood. CHAP. II. April 24.

From that moment the influence of Somerset declined. The court was divided into two parties, anxiously bent on the depression of each other, and all who had envied the prosperity, or had suffered from the ascendancy of the favourite, attached themselves to the rising fortunes of his competitor.[68] The suspicion that Overbury had met his death by poison had been kept alive by successive rumours; it had even been whispered that the murder might be traced, through the inferior agents, to Somerset and his countess, and an opening to the discovery was made by an incautious avowal of Elwes, the lieutenant of the Tower, to the earl of Shrewsbury. Secretary Winwood, at the instigation of the archbishop, and under a promise of protection from the queen, ventured to communicate the circumstance to James, who proposed certain questions to Elwes in writing, and, from his answers, learned sufficient to doubt the innocence not only of lady Somerset, but also of his favourite. Partly through a sense of justice, and partly through the fear of infamy, he dispatched an order to sir Edward Arrest of Somerset.

[68] Birch, 383, 384.

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Coke, the lord chief justice, to make out a warrant for the commitment of the earl. Still he kept him in ignorance of his approaching fate; he admitted him into his company as usual, and was found by the messenger at Aug. 1. Royston, embracing the neck, and kissing the cheeks, of Somerset. That nobleman complained of his arrest in the royal presence, as of an insult, but was silenced by the ominous exclamation of James, "Nay, man, if Coke sends for "*me*, I must go;" to which was added another, as soon as his back was turned, "The deil go "with thee, for I will never see thy face more." In a short time Coke arrived, to whom James committed the investigation of the matter, concluding with this imprecation, "May God's "curse be upon you and yours, if you spare "any of them; and on me and mine, if "I pardon any."[69]

Enquiry into the death of Overbury.

Coke executed the task with more than ordinary zeal, stimulated, perhaps, by the fear of incurring the suspicion of partiality, on account of his previous obligations to Somerset. After three hundred examinations, he presented a report to the king, stating, that Frances, countess of Essex, had been in the habit of employing sorcery to estrange the affections of her

[69] There are several accounts of the parting of James and Somerset. I have followed that given by Roger Coke in his detection. See Weldon, 100. Secret History of James, i. 409. ii. 222, 223. Howell's State Trials, ii. 965.

husband, and to win those of Rochester; that to remove Overbury, the great impediment to the projected marriage of the lovers, a plan was concerted between them and the earl of Northampton; that, by their joint contrivance, Overbury was committed to the Tower, Wade the lieutenant removed to make place for Elwes, and Weston recommended as warder of the prisoner; that the countess having, with the aid of Mrs. Turner, procured three kinds of poison from Franklin, an apothecary, entrusted them to the care of Weston; that by him they were administered to Overbury, with the privacy of Elwes; and that at last the unfortunate gentleman perished in prison, the victim of the malice or the precaution of Rochester and his mistress.[70]

In this story nothing appeared wanting but a more satisfactory cause for the murder of Overbury. To discover this was no difficult task to sir Edward Coke, who prided himself on the facility with which he could detect what was invisible to all others. In a letter from Overbury he found mention of the secrets of Somerset: these he contended must be seditious

[70] Bacon, iv. 470. Reliq. Wotton. 427. It is said that Coke having obtained possession of the pocket book of Forman the conjuror, whom the countess of Essex and other court ladies used to consult, found in the first page the name of his own wife. Weldon, iii. There is in a tract entitled "Truth brought to Light," p. 7—70, a long account of this affair, but so blended with error, that it deserves no credit.

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or treasonable practices; and with the aid of a few conjectures, he boldly charged the earl with the murder of prince Henry.[71] The queen immediately caught, or perhaps pretended to have caught, the alarm. She had no doubt, she asserted, that a plan had been proposed to poison her, her son Charles, and the prince palatine, for the purpose of marrying the princess Elizabeth to Thomas, the son of the earl of Suffolk, and brother to the countess.[72] But James did not suffer himself to be misled by the terrors of his wife, or the suspicions of the chief justice: the only charge to which he gave countenance was, that the earl had received money from Spain, and had promised in return to deliver Charles, the heir apparent into the hands of the Spanish monarch.[73]

Execution of the murderers.

The minor criminals, Weston, Turner, Franklin, and Elwes, were first brought to the bar. That they had been accessary to the murder, seems plain from the report of their trials: yet many at the time attributed their conviction to

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[71] This letter has been published from the original. Winwood, iii. 478. There is no reason to conclude from it that the secrets were of importance to the public. Overbury says nothing of revealing them to the government; but that he had written a history of the whole acquaintance between him and Somerset, from which his friends, to whom he should send copies, might be convinced of the earl's ingratitude.

[72] The French ambassador in his dispatch of Dec. 22. apud Carte, iv. 33.

[73] Bacon, iv. 90.

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a conspiracy against Somerset, and this opinion derived confirmation from the ambiguous language of some of the sufferers at the place of execution.[74] Sir Thomas Monson was next arraigned: he had recommended Weston to be the warder of Overbury, and was exhorted by Coke to confess his guilt, and throw himself on the mercy of the king. But he rejected the suggestion with scorn, and to the surprise of the public was taken from the bar to the Tower, and in a short time recovered his liberty.[75]

Conduct of Somerset.

The remaining trials were deferred till the arrival of Digby, the ambassador at the court of Spain, to whom orders had been transmitted to repair to England: but from him nothing could be learnt to impeach the loyalty of Somerset.[76] The affection of James began to revive. His reputation required that he should bring his ancient favourite to trial; but he proposed to save

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[74] Sir J. Hollis, sir J. Wentworth, sir Thomas Vavasour, sir Henry Vane and Mr. Sackville, rode up to the gallows, and called on Weston to confess the fact, if he were guilty. "Fact or no fact," he replied, "I die worthily." The gentlemen were charged in the star-chamber with an attempt "to slander the king's justice;" and Hollis and Wentworth were condemned to suffer a year's imprisonment, and to pay a fine of £1000. Bacon, iv. 447.

[75] Wilson says that on this occasion Coke's wings were clipt, and Monson set at liberty, because the chief justice alluded to the death of prince Henry. Wilson, 702. Coke's wings, as the reader will see, were clipt for another cause; and Monson was reserved till Digby's return home from Spain to be examined about the Spanish treason. Had he been previously convicted, his confession on that head could not have been admitted as evidence.

[76] Bacon, vi. 89, 90. Birch, 392.

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him from punishment by withdrawing him from the bar as soon as the verdict should be returned: and, when he was informed that according to law judgment must follow, he announced his determination to grant him a pardon, and with this view forbade the attorney general to exaggerate the offence, that the prisoner might not appear unworthy of mercy. The earl was repeatedly advised to confess himself guilty, and assured that the king would grant him his life and fortune. "Life and fortune," he indignantly replied, "are not worth the acceptance, when "honour is gone."[77] To escape the disgrace of a

[77] See the artifices employed to draw Somerset to a confession, and the king's wish on that head in Bacon, vi. 101. Cabala, 33—38. 53. Howell's State Trials, ii. 962. Archæologia, xviii. 355. Many writers have attributed the anxiety of James to his knowledge, that Somerset was in possession of some portentous secret, which he might be provoked to reveal to the ruin of the royal character. I have no doubt that it arose from affection. The following extracts from the king's letters to sir George More, lieutenant of the Tower, are highly interesting. "God knoweis it is only a trikke "of his ydle braine, hoaping thairby to shifte his tryall, but is easie "to bee seene, that he wolde threattin me, with laying an aspersion "upon me of being in some sorte accessorie to his cryme.....if he "wolde writte or sende me any message concerning this poysoning, "it needis not be private; if it be of any other bussienesse, that "quicke I can not now with honor ressave privatlie, I may do it "after his tryall, and serve the turne as well; for excepte ather his "tryall, or confession præcede, I can not heare a private message "from him without laying an aspersion upon my selfe of being "an accessorie to his cryme." Archæol. 355. On the 9th of May, James sent, in great secresy, Somerset's former secretary with such proposals that "if thaire be a sponke of grace lefte in him, I hoape "thaye shall worke a goode effecte." Ibid. 356. On the 13th, he

trial he earnestly solicited admission to the royal presence, or at least to be permitted to write a private letter to the king. When this was refused he assumed a bolder tone, and endeavoured to work on the fears of James, by declaring that at the bar he would take ample vengeance on the prince, who had betrayed him into the power of his enemies. As the day approached he asserted that he would not leave his chamber: he feigned sickness or insanity; and made or pretended to make, like sir Walter Raleigh, an attempt on his own life. But the king was inexorable. He commanded the lieutenant of the Tower to employ force, if it were necessary, and to inform his prisoner, that if he indulged in irreverent language with respect to the sovereign, he would be removed from the bar, without any stay of the proceedings on account of his absence.

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ordered the lieutenant to repeat the offer, with a promise that it should be enlarged. "I meane not," adds the king, "that he shall confesse if he be innocent, but ye knowe how evill lyklie that is..... "lett none living knowe of this: and if it take goode effecte, move "him to sende in haiste for the commissioners to give thaime satisfac- "tion, but if he remaine obstinate, I desyre not that ye shoulde trouble "me with an ansoure, for it is to no ende, and no newis is better "than evill newis." Ibid. 356, 357. On the day preceding the trial, when Somerset appeared furious, the king sent lord Hay and sir Robert Carr to him, and ordered the lieutenant, if Somerset should still refuse to go to the bar, to do his duty. He concludes thus, "if he have saide any thing of moment to the lord Haye I "expecte to heare of it with all speede, if otherwayes, lette me not be "trublit with it till the tryall be past," Ibid. 358.

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Conviction of the Countess. May 24.

By the exhortations of Whiting, the minister who had attended the other prisoners, the countess had been induced to confess the murder. She was therefore separately arraigned before the peers. She looked pale, trembled while the clerk read the indictment, and at the name of Weston, covered her face with her fan. As soon as she had pleaded guilty, Bacon, the attorney general, stated to the court the evidence which he should have produced, had he found it necessary: but he had previously the precaution to remove her from the bar, that she might not interrupt him to maintain the innocence of her husband. At the conclusion of his speech, she was recalled, and received judgment of death.[78]

And of the earl.

Though Bacon by this artifice had prepared the court to believe the guilt of Somerset, he looked forward with anxiety to the result; for it was, he observed to the king, a different thing to obtain a verdict from a London jury, and to convince the house of lords. The earl, contrary

May 25.

to expectation, appeared at the bar cool and collected: he never mentioned the king: but he rejected every exhortation to confess, haughtily maintaining his innocence, objecting to the relevancy of the evidence, and explaining away circumstances which seemed to make against him. After a long trial the peers found him

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Bacon, iv. 465. vi. 103. State Trials, ii. 951—961.

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guilty: but by many this judgment was attributed more to the power of his enemies, than to the cogency of the proofs.[79] Within a few days the countess received a pardon: the same favour was refused by the earl. He was, he said, an innocent and injured man, and would accept of nothing less than a reversal of the judgment. But some years later, aware of the malice of his adversaries, and of the alienation of the prince, he sought that which he had before rejected, and received with it a promise of the restoration of his property. Within four months, however, James died: and Somerset solicited, but in vain, the fulfilment of the promise from the pity or the equity of his successor. The countess died in 1632; the earl survived her thirteen years.[80]

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1624. Oct. 7.

[79] In a letter to James, Somerset pretends that if he could have had access to the king, his crime would have proved no crime, and that he fell, rather for want of well defending, than by the violence or force of any proofs: for he forsook himself and his cause. Cabala, 221.

[80] It is but justice to Somerset, to add what he says of his own services in a petition to Charles; that during the three years he was in power, he opposed all suits for honours and reversions of offices, lest the king and his successors should have nothing left to give in reward to their servants; that he found a resolution taken after the death of Salisbury, to disafforest all the royal parks and forests, and to sell all the crown lands, reserving only an increase of rent; this also he prevented; that he never would receive of the king any gift of crown lands, or customs; and whatever he did receive, was such as either took nothing from the king, or brought it with an increase to the revenue; and that he made himself many enemies by opposing both the suitors and the ministers for the advantage of the crown. Archæologia, xvii. 288.

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Disgrace of Coke.

The fall of Somerset was followed by the disgrace of Coke, whose industry in detecting the murder of Overbury did not, in the estimation of James, atone for his obstinacy and disobedience. In legal knowledge he had no equal: but his proud and overbearing carriage had multiplied his enemies, and his pretensions to succeed to the chancellorship on the demise of lord Ellesmere, exposed him to the malicious insinuations of Bacon, who sought by obsequiousness and flattery to obtain that office for himself. To increase his own authority and emoluments the chief justice had acted, as if all other tribunals were subordinate to his: the judges of the admiralty, and the high commission court, even the members of the provincial councils of the North and of Wales, complained that their jurisdiction was invaded and impaired by "prohibitions" from the king's bench: and the pride of Ellesmere was irritated by a threat of præmunire, because he had allowed a cause, decided before Coke, to be entered in the court of chancery.[81] But there were other causes of offence which sunk more deeply into

[81] Against the star-chamber Coke maintained that it could not levy damages. With respect to the chancery he threatened both judges, suitors, counsel, and solicitors, with præmunire for granting or seeking relief in equity, after judgment had been given in the king's bench. He founded his opinion on the words rather than the spirit of the statute of præmunire, which forbade causes to be carried from the king's courts into other courts, evidently meaning the spiritual courts. Bacon, vi. 84. Cabala, 31. 33.

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the breast of the king. In the cases of Peacham and Owen, Coke had not only dissented from his colleagues, he had even opposed the infallible judgment of James himself.[82] His opinion, that the late benevolence was illegal, though he was afterwards obliged to retract it on his knees, and to give a contrary decision in the star-chamber, had induced numbers to withhold their money: and in a case of commendam he had presumed to proceed with the cause in defiance of the royal prohibition. By James his conduct on these occasions was felt as a

[82] Peacham had written a defamatory sermon, which was never preached but found in his study, complaining of the king's expenses of keeping "divided courts" for himself, his queen, and his son, of his gifts for dances and banquets, of the costliness of his dress, of the frauds of his officers, &c. Questions were framed to discover his motives and advisers, and answers were required from the old man, (he was above sixty years of age) "before torture, in torture, "between torture, and after torture, by the express command of the "king." Dalrymple, i. 56—58. James was so incensed that he maintained the offence was high treason; ibid. 61.: while Coke said that it might be defamation but not treason, because it did not amount to disabling the royal title. He was tried and condemned in Somersetshire. Aug. 7, 1615, and died in prison, in the following spring. Bacon, v. 336. vi. 78. 87. State Trials, ii. 870—879. Owen's crime was the assertion that princes excommunicated by the pope might be put to death. Owen pleaded that this was no treason, because James had not been excommunicated, and therefore the words could not apply to him. In opposition both to the king and the other judges, Coke maintained that the answer was good. At last, though with reluctance, he in some sort recanted, by admitting that he was in error to suppose that the king had not been excommunicated; he now believed that he had, and that of course Owen's words were treasonable. Bacon, iv. 440. v. 351. vi. 80. 87. State Trials, ii, 879—883.

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personal injury, and Bacon was careful to represent it as proceeding from a wish to gain popularity at the expense of the prerogative.

The archbishop, the chancellor, and the attorney general were commissioned to collect for the royal information all the offences of the chief justice, and he received an order to abstain in the interval from the council

1616. June 30. chamber, and instead of going the circuit, to spend his time in correcting the errors and innovations contained in his book of reports. James, however, declared that he meant to shew him favour, if he would humble himself,

October. and confess his delinquency: but when his answer was received, that he had discovered but five unimportant mistakes,[83] the king, attributing it to pride and obstinacy, forbade him to take his seat on the bench, and, a month later,

Nov 16. substituted Montague the recorder of London in his place.

Rise of Bacon. This event gave new confidence to the ambition of Bacon. He had freed himself from his great rival, and had earned the esteem of the sovereign, by his fearless advocacy of the prerogative. Still Ellesmere, though his age and infirmities admonished him to retire, clung with the most vexatious pertinacy to the emoluments of office; and, by repeatedly recovering when he was thought on the point of death, exer-

[83] Bacon, vi. 122—129. 397—410.

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cised and irritated the patience of the attorney general. That officer, however, steadily pursued his course, till he obtained the reward of his servility. He laboured to secure the good services of the new favourite: pretended on all occasions the most sincere affection for the lord chancellor, now created viscount Brackley; and on every relapse of the infirm old man, reminded James of his own merits and pretensions. At length Brackley felt the approach of that hour, which within a fortnight closed his mortal existence: he sent to the king his resignation; and the seals were immediately confided to Bacon, with the title of lord keeper, a sufficient pledge that if he continued to give satisfaction, he would shortly be advanced to the dignity to which he had so long and so ardently aspired.[84]

Nov. 7.

1617. Mar. 3.

Mar. 7.

May 27.

Hitherto in this chapter, the attention of the reader has been confined to the domestic occurrences from the year 1606 to 1617: the remainder will be distributed under three heads: 1°. the king's transactions with foreign powers; 2°. his attempts to establish episcopacy in his native kingdom; and, 3°. his plans for the government and colonization of Ireland.

I. In 1607, the eyes of all the European nations were fixed on the negociation at the Hague. After a contest of forty years, both the king of

Transactions with Holland.

[84] Bacon's patent was dated on the 30th of March, and on the 28th of May, John the son of the deceased chancellor was created earl of Bridgwater, in consequence of a promise made to Brackley when he resigned.

CHAP. II.

Spain and the United Provinces had grown weary of hostilities. Philip had learned to doubt the result of an attempt, which originally appeared of easy execution. He even feared that the partial success, which had lately thrown a lustre on his arms, might lead to a consummation which he dreaded; and that his revolted subjects, rather than submit to the rule of their ancient masters, would throw themselves at the feet of his rival, the king of France. On the part of the Hollanders, the most moderate and most able statesmen equally longed for peace, provided peace were coupled with the recognition of their independence. It was indeed true, that they had hitherto been able to maintain the contest against their formidable antagonist; but they knew that, if they had not fallen in so long and arduous a struggle, it was owing not to their own strength, but the support which they had received from England and France. Now, however, on the king of England, unwilling from the timidity of his temper to draw the sword, unable from his poverty to supply their wants, no reliance could be placed: and accident or policy might at any moment deprive them of the king of France, who, though he had proved a faithful, was well known to be an interested friend.

1607. April 24. In this temper of mind the offer of an armistice, preparatory to a treaty, had been gratefully

April 22. accepted by the states: the king of Spain and the archduke agreed to consider them during

the conferences as an independent government; and first the French, afterwards the English, king, sent their respective envoys to act the part of mediators between the adverse powers. The progress of this important negociation is foreign from the plan of the present history: it will be sufficient to observe, that after many debates, the hope of a permanent peace vanished; that in its place a long truce was suggested; and that at last, partly through the entreaties, partly through the firmness of the mediating powers, a cessation of hostilities was concluded for the space of twelve years.

CHAP. II.

Aug. 1.

1609. March 29.

Much occured during the conferences to prove how low the king of England was sunk in the estimation of his contemporaries. It was believed that he had not the spirit to engage in war, and that, however forcibly he might advise the states to persevere, he would infallibly abandon them in the time of need. Prince Maurice had even the boldness to tell the English ministers to their face, that their master dared not open his mouth in contradiction to the king of Spain.

Hence the French during the negociation assumed a superiority, which was impatiently but silently borne by their allies. But, if James derived little honour from his mediation, he had reason to be satisfied with the result. It secured for a long time at least, and probably for ever, the independence of the states; a point of paramount importance, since their reduction

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by Spain, or their voluntary submission to France, was equally pregnant with danger to the commerce and the greatness of England: and, what the king probably valued still more, he obtained the partial relief of his pecuniary wants, by receiving from the Hollanders the acknowledgement of a debt of more than £800,000, with a stipulation that it should be discharged by instalments in the course of fifteen years.[85]

Respecting the succession to Cleves. 1609. March. 25.

About the conclusion of the treaty an event happened, which threatened to rekindle the flames of war throughout the greatest portion of Europe. The death of John duke of Cleves, Juliers and Berg, without children, exposed his dominions a tempting prey to the ambition of several competitors. The rightful heir appears to have been either the elector of Brandenberg, or the duke of Newburgh: but a claim was also advanced by the elector of Saxony, and another by the emperor Rodolph. The pretensions of the latter alarmed all those princes, whom

[85] See Birch, Negociations, 267—296. Winwood, tom. i. ii. passim. Jeannin, tom. i. ii. Boderie, tom. i. ii. iii. iv. passim. It may be observed that such was the general bigotry at this period, that though the king of Spain offered a most valuable consideration, and the king of France added his earnest prayer, the states would on no account tolerate the catholic worship within their dominions, at a time when the majority of the inhabitants of Utrecht, Friesland, Groningen, Overyssel, and Guelderland, were of that religion. When the French ambassador requested the English not to oppose so equitable a demand, they answered, that "their silence would betray their service "to God, and their duty to their king." Winwood, iii. 59.

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religion or policy had rendered enemies to the greatness of the house of Austria. By their advice the elector of Brandenberg and the duke of Newburgh consented to govern the disputed territory in common, and a league for the expulsion of the Austrian, who had already taken possession of Juliers, was formed by the kings of England and France, the United Provinces, and the protestant princes of Germany. The allies assembled a small army: but the king of France ordered no fewer than 40,000 men with fifty pieces of cannon, to march towards Juliers. So formidable a force, compared with its ostensible object, proved that Henry nourished in his mind some secret purpose of much greater importance: and there can be little doubt that he now meant to execute his favourite plan of humbling, by a common union of the European powers, the house of Austria, and of confining it for the future within the Spanish Peninsula. But three days before his proposed departure to join the army he received a mortal wound, as he sate in his carriage, from the hand of an assassin named Ravillac.[86] The murder of the king put an end to his project: but his successor did not depart from the league, and 10,000 Frenchmen having joined 4000 English commanded by sir Edward Cecil, placed themselves under the prince of Anhalt, the general in chief

1610. March 31.

May 4.

[86] On this murder see a dissertation by Griffet at the end of the xii. vol. of Daniel's Histoire de France, edition of 1756.

CHAP II.

Aug. 21.

of the combined forces. Juliers was soon won: the elector and the duke took possession of the disputed territory; and the war died away through the inability of the emperor to prolong the contest.[87]

The errors of Vorstius.

If James was unwilling to measure weapons with an enemy in real war, he gloried to meet an adversary in the bloodless field of theological controversy. He had opposed the puritan ministers at Hampton court: he had written against Bellarmine, the champion of the catholics; and he now resolved to mingle in the fray between the Arminians and Gomarists. The disputes which divided these theologians were not more useful, they were certainly less innocent, than the subtleties of the ancient schoolmen. For the subjects of their studies they had taken the doctrines of grace and predestination, universal redemption and free will: and plunging fearlessly into the abyss, persuaded themselves that they had sounded the depth of mysteries, which no human understanding can fathom. Had they indeed confined themselves to speculative discussion, the mischief would have been less; but the heart-burnings, the excommunications, the persecutions to which these controversies gave birth, were evils of the most alarming magnitude.

[87] See the negociations on this subject in the fifth volume of Boderie, and the third of Winwood. Dumont, v. part ii. 121—137. 153. 160.

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In Holland the first reformers had established the Calvinistic creed in all its rigour. Arminius, the pastor of the great church at Amsterdam, and afterwards professor at Leyden, had adopted another system, which he deemed more conformable to the benevolence of the deity, and less revolting to the reason of man. War was soon declared between the partisans of these opposite opinions: each sought the support of the temporal power: the followers of Arminius addressed a remonstrance, the rigid Calvinists a contra-remonstrance, to the states of Holland. Politics were mingled with theology: and the patriot Barneveldt assumed the defence of the remonstrants, while prince Maurice of Nassau, his opponent in the state, placed himself at the head of their adversaries. James, whose early education had imprinted on his mind a deep reverence for the speculative opinions of Calvin, viewed the controversy with interest, and was not slow in condemning the presumptuous ignorance of Arminius. On the death of that professor, the curators of the university offered the vacant chair to Vorstius, a divine whose abilities were universally admitted, but who had occasionally indulged in novel and extraordinary opinions. His orthodoxy was disputed by the contra-remonstrants; but he repelled the charge before the states, and took possession of the office. By James the result was considered

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as a victory gained by the Arminians. During the progress archbishop Abbott placed in his way a treatise formerly published by Vorstius: and the king with his pen culled out, in the short space of an hour, a long list of heresies. His piety was shocked; he determined to spread the egis of his infallibility over the cause of orthodoxy in Holland; and Winwood the ambassador, by his orders, accused Vorstius before the states of heresy and infidelity, of denying or misrepresenting the immensity, spirituality, and omniscience of the godhead, and of throwing out doubts of the divinity of Christ. The Hollanders, though they answered with respect, resented this interference of a foreign power in their domestic concerns, and James in return sent them an admonition under his own hand. He was willing that, "if the professor would excuse his blasphemies, he should escape the stake, though no heretic ever deserved it better; but he could not believe that on any defence or denial which he might make, they would allow him to retain his office. They should remember that the king of England was the defender of the faith: and it would be his duty, if such pestilent heresies were suffered to nestle among them, to separate from their communion, and to seek with the aid of other foreign churches in common council assembled, how to extinguish and remand to hell such abominable doctrines."

1611. Sept. 11.

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Even this admonition was without effect; and the ambassador renewed his remonstrance in still sharper terms. He received an evasive answer; and, after a decent delay, protested in public against the errors of the professor, reminded the states that the alliance between England and Holland reposed on the basis of purity of religion, and concluded with a very intelligible hint, that they must abandon the protection of Vorstius, or forfeit the amity of James.[88] The king at first applauded the activity and spirit of his minister; he pronounced Winwood a man according to his own heart: but his ministers remonstrated: he began to accuse the ambassador of indiscretion; and in a conference with the Dutch envoy, he laboured to mollify the asperity of the protest.[89] Still he did not recede from his resolution; he even ventured to appeal to the press, and published a short work in French,

Nov. 15.

Dec. 9.

[88] Winwood, iii. 293—296. 304. 309. The following were the distinguishing doctrines of the remonstrants: 1°. that predestination was founded on the merits of Christ and the perseverance of man; reprobation on God's prescience of man's obstinate infidelity: 2°. that Christ, according to the decree and will of his father, had paid the price of redemption for all men without any exception: 3°. that there was not in God any secret will opposed to his revealed will, by which he testifies that he wills and seeks the salvation of all men: 4°. that efficacious grace may be resisted: 5°. and that believers often fall from faith, and perish through their own fault. Acta. Synod. Dordr. 126. 129.

[89] Ibid. 316—320. 331.

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entitled a Declaration against Vorstius.[90] The states saw the necessity of appeasing the orthodoxy of their ally. They had already incurred his resentment: they feared still more the irritation which would follow a controversy between the two theologians; and Vorstius was ordered not only to quit Leyden, but to purge himself from the imputation of heresy, by refuting the doctrines with which he had been charged.[91]

1612. Feb. 18.

March 16.

The synod of Dort.

But the removal of the professor did not restore tranquillity. The remonstrants gradually acquired the ascendancy in the three provinces of Holland, Overyssel, and Utrecht, the contra-remonstrants in those of Guelderland, Zealand, Friesland, and Groningen. Each party, true to the intolerant spirit of the age, was eager to employ the civil sword against its theological opponents, and the republic was in danger of being torn into fragments, by the violence of men who could not agree on the speculative doctrines of predestination and reprobation. James proposed to the states a national council, as the only remedy to the evil; and the suggestion was as eagerly accepted by one party, as it was haughtily rejected by the other.

1619.

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[90] His ambassador at the Hague had already been commissioned to find out "some smart jesuit with a quick and nimble spirit to bestow "a few lines against the atheisms of the wretch." Ibid. 311. It appears that such a one was found. Ibid. 318. 323. 330.

[91] Ibid. 348. See Fuller, l. x. p. 60.

Both were supported in their obstinacy by the political views of their leaders, Barnevelt and prince Maurice; of whom the first was charged with a design of restoring the provinces to the Spanish crown, the other with the project of raising himself to the sovereignty. After a long struggle, the command of the army gave the victory to Maurice; he successively changed the magistrates in the towns of Overyssel and Utrecht, and then ventured to arrest his great opponent, Barnevelt, with the two pensioners, Grotius and Hogerbets. From that moment the hope of the Arminians vanished: the magistracy of Holland was reformed, and the synod was appointed to be held at Dort. The Calvinist churches of Geneva and the palatinate sent deputies; and James, who, as the original adviser of the measure, could not refuse his concurrence, commissioned two bishops and two theologians to attend as representatives of the church of England, and a fifth, a Scotsman by birth, but a member of the establishment, as representative of the kirk of Scotland. It was a singular spectacle to behold the two prelates sitting as the colleagues of ministers who had not received ordination from the hands of bishops, and voting with men who held episcopacy to be the invention of Satan. They attended the debates, moderated the violence of the disputants, and subscribed to the canons, but with this exception, that they protested against

CHAP. II.

the article which reduced to a level the different orders of the hierarchy. The decrees of the synod were ratified with the blood of Barnevelt, who, after a mock and secret trial, was sacrificed as a traitor to the ambition of the prince, and with the more moderate sentence of perpetual imprisonment pronounced on Grotius and Hogerbets. To satisfy the king of England, the synod condemned the works of Vorstius; and the reigning party in the states, to preserve the ascendancy, resolved to extirpate their opponents. Seven hundred families of Arminians were driven into exile, and reduced to beggary by the political fanaticism of their brethren and countrymen.[92]

The church of Scotland.

II. The reformed church of Scotland, when it had obtained a legal establishment, was in reality a religious republic, which presented the singular spectacle of a gradation of elective judicatures, composed partly of laymen, partly of ministers, possessing and exercising every species of ecclesiastical jurisdiction. The lowest authority was that of the incumbent and the lay elders, who formed the parochial assembly. A certain number of these assemblies, classed together on account of their vicinity, consti-

[92] See the dispatches of Carleton, the English ambassador, throughout the volume. The controversy has been considered as a contest for political power. It certainly was so with regard to prince Maurice and Barnevelt: but James seems to have interested himself in it chiefly from the motive of defending, as he calls them, the ancient doctrines of the reformed churches.

tuted the presbytery, which heard appeals, confirmed, annulled, or pronounced censures, and decided on the admission, the suspension, or the deprivation of ministers. The presbytery, however, though armed with extensive powers, was subordinate to the provincial synod, and this, in its turn, submitted to the superior jurisdiction of the general assembly, which was supreme on earth, and owed no allegiance in matters of faith or discipline but to Christ, its spiritual sovereign. That James, as head of the church of England, should aspire to the same pre-eminence in his native kingdom of Scotland, is not surprising; but he had more powerful motives than mere ambition to urge him to the attempt. The maxim, "no bishop, "no king," was deeply impressed on his mind, and he saw, or thought he saw, danger to the throne, in the disposition and principles of the Scottish clergy. They were men of bold untameable characters; their efforts to establish a republican form of church government had led them to discuss the authority of the civil magistrate, and to inculcate principles of resistance to unjust and despotic sovereigns: and the doctrine of predestination, the duty of extemporaneous prayer, and the habit of denouncing scripture judgments against sinners, had imparted to their minds, and to the minds of their hearers, a tinge of the most gloomy, and, in the royal estimation, of the

CHAP. II.

most dangerous enthusiasm. Hence, to overthrow the fabric raised by Knox and his disciples, became the chief object of the king's policy in Scotland. He made the attempt, and was apparently successful. With the aid of intrigue, and bribery, and force, he at length imposed bishops on the kirk; but the clergy and the people remained attached to the presbyterian discipline; their loyalty was shaken by the violence offered to their religious prepossessions; and the very measure by which James sought to uphold his own throne, aided to subvert, in the course of a few years, that of his son and successor.

Restoration of episcopacy.

He began by nominating clergymen of known and approved principles, to the thirteen ancient Scottish bishoprics. This step created little alarm. The new prelates had neither jurisdiction nor income: they were only parochial ministers of the churches from which they derived their titles. But by progressive steps, every deficiency was supplied. An act of the general assembly, procured by the arts of the minister, made the bishops moderators both of the synods and of the presbyteries within which they officiated.[93] The repeal of the statute annexing the episcopal lands to the crown, enabled the king to endow their respective sees; and the erection of two courts of high commission, in

1606. Dec. 10.

1606. June.

[93] Almost all the presbyteries and synods refused to submit. Calderwood, 565—569.

CHAP. II.

virtue of the prerogative alone, invested them with powers more extensive than they could have possessed by their ordinary authority. At a convenient time, three of the number repaired to England, received the episcopal ordination from the English bishops,[94] and after their return, imparted it to their colleagues. At last it was enacted by parliament, that all general assemblies should be appointed by the sovereign; that the prelates should have the presentation to benefices, the exclusive power of suspending or depriving incumbents, and the right of visitation throughout the diocese; and that every clergyman, at his admission, should take the oath of supremacy to the king, and of canonical obedience to the bishop.

1610. Oct. 21.

1612.

If James had thus accomplished his design, it was owing to the address of sir George Home, lord treasurer and earl of Dunbar. That minister leaving to the theological talents of his master the more difficult task of convincing the understandings of the Scottish clergy,[95] made it

[94] Cambden, Annals of James, 643. Rymer, xvi. 706. Wilk. Con. iv. 443. Spottiswood, 514. Calderwood, 580.

[95] James had ordered five of the prelates and eight ministers to wait on him in England. The latter refused to assent to any proposal, on the plea that they were commissioned to hear, but had no power to treat. He required an answer to these questions: Were they willing to ask pardon for their offence in praying for the condemned ministers? had he not the right to appoint, suspend, and prevent their meetings? could he not, in virtue of the royal authority, call before him all persons ecclesiastical as well as civil, and punish them for their offences? (Spottiswood, 497.) But the king harangued, the

CHAP. II.

1605. July 2.

his object to work on their hopes and fears, their prejudices and passions. 1°. In defiance of the royal prohibition, the ministers from nine presbyteries had presumed to hold "an assembly" at Aberdeen. Six of the most refractory objected to the authority of the council, and on that pretext were tried and condemned as traitors. It was an act of illegal and disproportionate severity;[96] but the prisoners gladly exchanged the crown of martyrdom for a life of banishment; and their colleagues were taught that the power of the sovereign was not to be braved with impunity. 2°. When the

English bishops preached in vain. Andrew Melville had the presumption to ridicule in a latin epigram the service in the royal chapel, and was committed in consequence. Some months afterwards he was called before the council, and behaved with such freedom or insolence, within the hearing of the king, that he was committed to the Tower. Many accounts have been given of the occurrence: the following is by the French ambassador. "Ledit Melvin fut si aigre "en sa résponse, tant contre ce qui étoit du roi, que contre la per- "sonne particuliere dudit comte, (de Salisbury) que celui-ci demeura "sans replique. A son secours vint l'archevêque de Cantorbery, puis "le comte de Northampton, puis le trêsorier, ausquels tous il lava la "tête de telle sorte, n'épargnant aucuns de vices ou publics ou "privés dont chacun d'eux est taxé, (car il ne sont point anges) qu'ils "eussent voulu qu'ils eût été encore en Ecosse. Finalement ne le "pouvant induire en sorte quelconque à jurer la primatie, et ne sça- "chant comment autrement se venger de lui, ils l'envoyerent prison- "nier à la Tour." Boderie, May 8, 1607, vol. ii. 208. In 1611 he was liberated and sent into banishment at the request of the duke of Bouillon. Boderie, v. 517. 531. 540.

[96] The charge was that they had rejected the authority of the privy council, grounded on the act of 1584, "for maintaining his majesty's "royal power over all estates." Spotiswood, 489. Balfour, ii. 10. The jury was packed by Dunbar. Dalrymple's Memorials, i. 1—4.

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1606. Dec.

general assembly at length met by the royal permission, the lord treasurer was careful to purchase the voices of some, and the silence of others, by a dexterous distribution of money. It was not that these holy men could be corrupted by bribes, but they felt no scruple to accept the arrears of former salaries, or a compensation for their expenses during the journey.[97] 3°. Dunbar knew that, in the estimation of the more zealous, the extirpation of idolatry was paramount to every other duty. To induce them to yield to the wishes of the king, with respect to the superiority of bishops, he placed at their mercy the persons and property of the idolatrous papists. The compromise was accepted. The parliament enacted laws of recusancy; the clergy issued sentences of excommunication, and every catholic nobleman was compelled to receive an orthodox minister into his family, and was forewarned that, unless he should conform within a given period, his obstinacy would be punished with the judgment of forfeiture. At the same time, the prisons were filled with victims of inferior quality; and so severe was the persecution, that accord-

[97] Calderwood, 556. 565. Balfour, ii. 18. Spotiswood, (p. 513) defends them, "Certain of the discontented sort did interpret it to be "a sort of corruption, giving out, *That this was done for obtaining "the minister's voices.* Howbeit the debt was known to be just, and "that no motion was made of that business before the foresaid con- "clusions were enacted."

CHAP. II.

ing to the statement of the French ambassador, the fate of the Scottish was still more deserving of pity than that of the English catholics.[98]

King visits Scotland.

At his accession James had promised to bless his countrymen with the royal presence at least once in the space of three years. Fourteen had elapsed, and he had not yet redeemed his pledge. It was not that he was forgetful of the place of his nativity,—insensible of the pleasure of revisiting the scenes endeared to him by the recollections of youth. The great impediment was his poverty. Lately, however, he had restored to the Dutch the cautionary towns for one third of the sums for which they were pledged.[99] With the money he had satisfied the most urgent of the demands on the treasury: and this partial re-establishment of his credit enabled him to obtain, at an interest of ten per

1616. May.

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[98] Boderie, ii. 13, 14. 28. iii. 324. 450. iv. 15. "Les catholiques "en Ecosse sont encore pis qu'en Angleterre; car outre le peu d'amour "que le roi leur porte, il a tant d'envie d'y établir la religion d'An- "gleterre, et d'en être reconnu pour chef aussi bien-là, comme il est "ici, que pour gagner les puritains qui sont les seuls qui l'y empê- "chent, il leur lâche la bride à toutes sortes d'oppressions contre les "catholiques." iv. 23. "Les catholiques d'Ecosse continuent a y "être beaucoup plus travaillés qu'ils ne sont par-deça." iv. 346. Idem. 372. "This," says Balfour, "was taken as creame and oyle "to softin and smouthe the king's misterious desainges." ii. 18. The Scottish catholics are said, in Winwood, iii. 52. to amount to 27 earls and barons, and 240 knights and gentlemen, besides inferior people. See also Spotiswood, 502. 5, 6. 9. 13.

[99] For 2,728,000 florins, instead of 8,000,000. Rymer, XVI. 783—787. If we may believe Peyton, for this service Winwood received from the states a present of £29,000. Peyton, 358.

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cent. a loan of 96,000*l.* as a fund to defray the expenses of a royal progress to Scotland. But besides pleasure, he had two important objects in view,—to reform the administration of justice, which was perpetually impeded by the influence of the hereditary sheriffs, and to complete the assimilation of the Scottish kirk to the English church; a work, which had succeeded so far under his servants during his absence, that he doubted not to accomplish the little which remained by his presence. When the parliament assembled, several deputies of principles hostile to the royal views, were excluded by the sole authority of the sovereign; but in return, the persons whom he recommended for lords of the articles, were rejected by the peers, who suspected, and not without reason, a design to restore to the church the lands which had been severed from it by the reforming rapacity of their fathers. The king opened the session with a speech, one passage of which was not calculated to flatter the pride, nor to soothe the national antipathies, of his countrymen. He had nothing, he told them, "more at heart than to "reduce their barbarity (such was his expres- "sion) to the sweet civility of their neighbours: "and if the Scots would be as docible to learn "the goodness of the English, as they were "teachable to limp after their ill, then he should "not doubt of success; for they had already "learnt of the English to drink healths, to wear

1617. June 7.

CHAP. II.

" coaches and gay clothes, to take tobacco, and " to speak a language which was neither Eng- " lish nor Scottish."[100] But he had already seen enough to moderate the expectations with which he came to Scotland. Some acts were indeed passed favourable to his purpose; one appointing commissioners to compound with the hereditary sheriffs, on the conversion of their sheriffdoms into annual offices; a second granting chapters to the different bishoprics; and a third enacting, that whatever the king might determine on religious subjects, with the consent of the bishops and of a certain number of clergymen, should be good in law. But against the last, before it was ratified with the touch of the sceptre, a strong remonstrance was offered. James hesitated, and to save his honour, ordered it to be withdrawn, under the pretence that it was superfluous to give him by statute that which was the inherent prerogative of his crown.[101]

June 27.

On the dissolution of the parliament the king proceeded to St. Andrew's, where the leading members of the clergy had assembled. Simp-

[100] See a letter in Bacon, vi. 152. It perhaps deserves notice, that while the king was on his way to Scotland, intelligence arrived of the assassination of the Marshal d'Ancre, by Vitre: and that Buckingham wrote to the English ambassador to let Vitry know " how glad James " was that he had been the instrument to do his master (the king of " France) so good service." Birch, 402. Little did the favourite think, while he thus congratulated with the murderer, that he was himself destined to meet with a fate similar to that of d'Ancre.

[101] Spotiswood, 533. Parl. 1617, ch. i. ii. Bacon, vi. 152.

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son, Ewart, and Calderwood, three of the remonstrants were brought before the court of high commission on charge of seditious behaviour, and were condemned, the two first to suspension and imprisonment, the other to perpetual exile. The king's will was then signified to their brethren in the shape of five articles, that the eucharist should be received in a kneeling, and not in a sitting posture: that the sacrament should be given to the sick at their own houses, as often as they were in danger of death; that baptism should in similar cases be administered in private houses; that the bishops should give confirmation to youth; and that the festivals of Christmas, Good-Friday, Easter, Ascension-day, and Whitsunday, should be observed in Scotland after the manner of England. These demands were received with manifest aversion by all present: but the fate of the three remonstrants acted as a salutary warning, and instead of opposing the royal will, they fell on their knees, and solicited the king to remit the five articles to the consideration of a general assembly. He assented on the assurance given by Patrick Galloway that no opposition would be offered: and soon afterwards hastened his departure to England.

July 10.

It was with difficulty that the Scottish ministers repressed their murmurs in the presence of their sovereign: he was no sooner gone than they spoke their sentiments without

Episcopacy established by Parliament.

CHAP. II.

reserve. *Their* mode of celebrating the Lord's supper was conformable to the scripture: the administration of baptism, and the custom of receiving the eucharist in private houses, were the relics of popery: the festival of Christmas they considered as the revival of the pagan Saturnalia; those of Easter and Whitsuntide of the ceremonial law of the Jews: in a word, all the articles were pronounced superstitious, and without warrant in the scriptures.[102] In this temper of mind the assembly was held at St. Andrew's: and the only concessions made to the king were, that the minister should distribute the elements at the Lord's supper, and that sick men might communicate at their own houses, provided they previously took an oath that they did not expect to recover.[103] James, who had looked for a very different decision, considered it as a mockery and an insult: he ordered the observance of the five articles to be enjoined by proclamation; the council withdrew the promised augmentation of stipend from the refractory ministers; and in the next assembly at Perth, lord Binning, the treasurer, procured by his address a majority in favour of the royal demands.[104] Three

Nov. 25.

1618. Aug. 25.

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[102] Examination of the articles of Perth.

[103] See lord Binning's letter to the king, Nov. 28, in Dalrymple, i. 84.

[104] See another letter from the same, ibid. 87. After much contestation, instead of putting the separate articles to the vote, the

years later he ventured to propose them in parliament; and an act was passed to enforce a discipline repugnant to the feelings and prepossessions of the people.[105] The king had promised to content himself with this concession: he kept his word. The history of his mother and grandmother had convinced him of the stern uncompromising temper of the Scottish religionists; and to his chaplain, Dr. Laud, whose zeal advised more vigorous measures, he replied, that it was better to preserve peaceably what had been obtained, than to hazard all by goading a whole nation into rebellion.[106]

CHAP. II. 1621. Aug. 4.

III. The reader will recollect the wars which, during the last reign, desolated Ireland, and distracted the councils of Elizabeth. In their origin they were similar to those which had existed under her predecessors; they sprung from the love of liberty, and the hatred of foreign domination; but her defection from the church of Rome, and her attempt to impose a new worship by dint of authority,

Ireland.

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question was proposed, would they in this obey or disobey the king? Eighty-six voted in the affirmative, forty-one dissented.

[105] By a majority of seventy-eight to fifty-one. At the same time he obtained a subsidy in aid of the palatinate of £400,000 Scots, to be paid by instalment in that and the three following years. See the letters of the earl of Melros, which disclose the whole mystery of managing a Scottish parliament. Dalrymple. 108—139. Balfour, ii. 84.

[106] Hacket's Life of Williams, part i. 64.

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connected them with religious feelings, and rendered them infinitely more dangerous. Hitherto, the natives had been taught to look on the pope as the lord paramount of Ireland: it was a notion encouraged by former kings and parliaments, as a cheap expedient to procure obedience:[107] but it now re-acted with double force against a princess under the sentence of excommunication and deposition. The champions of independence appealed to the protection of the pontiff, as their feudal, no less than their spiritual, superior. I am not aware that this title was ever positively admitted or rejected, but the popes repeatedly sent them pecuniary, and sometimes military, aid, and often by letters and messages exhorted the Irish to throw off the English yoke, and to vindicate their country from civil and religious thraldom. With many these exhortations had considerable influence, but the majority of both races continued faithful to Elizabeth: and though they were tempted by the papal envoys, though they were upbraided as traitors and apostates by their revolted countrymen, the Irish catholics fought under the English colours against Desmond, and formed one half of the loyal army which, under Mountjoy, triumphed over the wiles, the obstinacy, and the despair of Tyrone.[108]

[107] Irish Stat. 7 Ed. iv. c. ix.

[108] See in O'Sullivan a list of the catholic chieftains serving in the

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But the exceptions made to Elizabeth did not apply to James. Against him no excommunication had been pronounced, nor was he a prince exclusively of Saxon or Norman origin. He claimed his descent from Fergus, the first king of the Scots in Albion; and Fergus, as a thousand genealogies could prove, was sprung from the ancient kings of Erin. His accession, therefore, was hailed as a blessing by the aboriginal Irish: they congratulated each other on the event—they boasted that the sceptre of Ireland was restored to the rightful line in a descendant of Milespane.[109]

Public tranquillity.

Though an act of parliament had been passed under Elizabeth to abolish the catholic worship in Ireland, it had not been in the power of a handful of protestants to deprive a whole people of their religious rites. If the law were at all obeyed, it was only in the garrison towns, where submission could be enforced at the point of the bayonet, and even in these the great mass of the inhabitants, the chief burghers and the magistrates, secretly cherished their former attachment to the catholic creed. The death of Elizabeth afforded them an opportunity of expressing their sentiments

English armies, iii. 114; also Moryson, 112. 256. Pacata Hibernia, præf. and p. 38. edit. of 1820, and O'Nial's proclamation in Leland, i. 364.

[109] Lynch, Alithinologia, 27. See these genealogies illustrated by Dr. O'Conor, Proleg. i. 122—144.

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with less restraint, and the announcement of that event was immediately followed by the restoration of the ancient service in Cork, Waterford, Clonmel, Limerick, Cashel, and other places. To the prohibitory commands of the lord deputy, answers were returned in a tone of resolution and defiance: batteries were raised on the walls, and preparations made for resistance, and at Cork blood was shed in different affrays between the military and the citizens. Mountjoy the lord deputy, acted with promptitude and decision. He collected a strong body of troops, proceeded from town to town, and partly by argument, partly by intimidation, prevailed on the inhabitants to submit. Then, having previously published, under the great seal, an act of "oblivion and indemnity," he left the island, and took with him to England, as the heralds of his triumph, the repentant chieftains, Tyrone and O'Donnel, with their principal retainers.[110]

Religious discontent.

But the forcible abolition of their worship, and its consequence, the weekly fines for absence from church on the Sundays, were not the only grievances of which the Irish catholics complained. By law, the oath of supremacy was required from every individual who sought to take literary honours, or to plead at the bar, or to hold the office of magis-

[110] Moryson, ii. 330—342.

trate, or to sue out the livery of his lands. Often it was tendered, and the catholic was reduced to the distressing dilemma of swearing against his conscience, or of resigning all prospect of future advancement in life; often it was withheld, yet he still knew that he enjoyed this indulgence by sufferance only, and that he lay at the mercy of the government, and of every malicious or interested informer. Much, indeed, has been said in praise of the forbearance with which these laws were executed in Ireland, during a great part of the present reign; but that forbearance was only occasional, and even then, it proceeded not from any just notion of toleration, but solely from a sense of weakness, from a persuasion that "the 'ripeness of time was not yet come."[111]

It was soon known in Ireland that the two chieftains had been graciously received by the new monarch; that Tyrone had recovered his former honours, and that his companion had been created earl of Tyrconnel. Encouraged by the intelligence, the catholics sent over a deputation to join the two earls in petitioning for the free exercise of their religion. But James treated the proposal as an insult. It was, he told them, contrary to his conscience; 1063. August.

[111] These are the words of Bacon, who adds "Therefore my advice 'is, in all humbleness, that this hasardous course of proceeding, to 'tender the oath to the magistrates of towns, proceed not, but die by 'degrees." Cabala, 39.

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as long as he could find one hundred men to stand by him, he would fight till death against the toleration of an idolatrous worship. Not content with this refusal, he committed four of the deputies to the Tower, where they remained for three months in punishment of their presumption.[112]

Two years later a proclamation was issued, commanding all catholic priests to quit Ireland under the penalty of death:[113] and an order was sent to the magistrates and principal citizens of Dublin to attend regularly at the reformed service. By law the refusal subjected the offenders to a certain fine: in this instance it was also visited with imprisonment. The great English families within the pale became

1605. July 4.

[112] Beaumont, dispatch of Aug. 20th, 1603. The reader will observe that from that day, it became the practice, whenever a petition was presented from the Irish catholics, to commit some of the deputies to prison.

[113] Among those who were apprehended in consequence was Lalor, vicar apostolic in the three dioceses of Dublin, Kildare, and Ferns. He was tried on the second of Elizabeth, and sentenced to a year's imprisonment, and the forfeiture of his personal property. During his confinement, he was repeatedly visited by the lords of the council, and induced to acknowledge the king as head in causes ecclesiastical. That he acted with duplicity is evident. When he was reproached as an apostate by the catholics, he replied that he had not admitted any spiritual authority in the king, but meant by causes ecclesiastical, those causes which by the existing laws were carried before the ecclesiastical courts. In punishment he was tried a second time on the statute of præmunire, and though it is evident that his offence could never have been contemplated by the framers of that statute, he was condemned to perpetual imprisonment. See Davis's Report in State Trials, ii. 533.

alarmed. They remonstrated against the punishment as illegal, and prayed to be indulged with freedom of religious worship. But the chief of the petitioners were arrested and confined in the castle: their spokesman, sir Patrick Barnewell, was sent to England, and incarcerated in the Tower.

Commission of graces.

To allay the discontent occasioned by this act of oppression, James issued a commission of graces. "The levy of fines for absence from "church, and the administration of the oath on "the livery of lands, were suspended till further "orders, the established clergy were forbidden "to exact undue fees from recusants for "burials, baptisms, and marriages; and general "pardons under the great seal were offered to "all who would sue them out of the chan-"cery." These indulgences were meant to prepare the way for the king's favourite plan of assimilating the tenure of lands in his Irish, to that which prevailed in his English, dominions. By a judgment given in the court of king's bench, the old national customs of tanistry and and gavel-kind were pronounced illegal; and a royal proclamation called on the possessors of lands to surrender their defective titles to the crown, with a promise that they should receive them back in more valid form, and on more eligible conditions. In a country where force had for centuries usurped the place of right, there were few titles which could bear the

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scrutinizing eye of a legal practitioner. The boon was generally accepted: but the commissioners, according to their instructions, carefully distinguished between the lands held in demesne, and those which had been parcelled out to inferior tenants. The first were returned by patent to the original owner as an estate in fee; in place of the others he received only a rent charge, payable by the tenants, and equal in value to the services which had formely been rendered. It was expected that from this new system, the most valuable benefits would be derived both to the king and to the people: to the king, because by destroying the principle of hereditary clanship, it would take from the chieftains the power of disputing the royal pleasure: to the people, because by giving to the inferior tenants with the right of freeholders an interest in the soil, it would wean them from their habits of turbulence and idleness, would introduce principles of improvement and civilization; and would teach them to look up to the sovereign as their legitimate protector. But experience did not realize these flattering predictions. The power of the Irish lords, indeed, "sodainly fell and vanished,"[114] and the

[114] Davis, 259. "When an Irish lord doth offer to surrender his "country, and hold it of the crown, his proper possessions in "demesne are drawn into a particular, and his Irish duties, as "coshering, sessings, rents of butter and oatmeale, and the like are "reasonably valued, and reduced into certain summes of money to

mass of the people was loosened from all dependence on their former superiors: but they were not on that account more firmly attached to the crown. Instead of obeying their own hereditary leaders, they found themselves at liberty to follow every interested demagogue, every unprincipled adventurer, who was able to inflame their passions, and goad them to acts of violence.

Tyrone and Tyrconnel left the English court with expressions of gratitude, but with feelings of distrust. Subsequent events confirmed their suspicions: and the harsh conduct adopted towards the catholics, with the attempt to divide the chiefs from their vassals, led them to believe that it was resolved to reduce the power, and to annihilate the religion of the natives. In this temper of mind they accepted an invitation to meet Richard Nugent, baron Delvin, at the castle of Maynooth. Delvin was born and bred in the Tower, where his mother had voluntarily shared the confinement of her husband, a prisoner during life, not because he had opposed, but because he was thought capable of opposing, the authority of the late queen. The three noblemen communicated to each other their

"be paid yearly in lieu thereof. This being done, the surrender is "accepted, and thereupon a geant passed, not of the whole "country, as was used in former times, but of those lands only "which are found in the lord's possession, &c.; but the lands which "are found to be possest by the tenants are left unto them respec- "tively charged with those certaine rents only, in lieu of all un- "certaine Irish exactions." Davis, Discovery, 260.

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resentments for past, and their apprehensions of future wrongs: they concurred in opinion, and bound themselves to each other to defend their rights and their religion by open force.[115] That any project of insurrection was at that time arranged, is improbable; but two years later secret information was received by James from some person in the court and confidence of the archduke at Brussels, that Tyrone had sought to renew his former relations with the king of Spain. His ruin was immediately determined: and to decoy him into England without awakening his suspicions, a pretended claim to a considerable portion of his lands was set up in obedience to secret instructions from the ministers.[116] The Irish government declined the cognizance of the cause as too delicate and important: and both parties received notice to appear with their titles before the council in England. But Tyrone was a match for the cunning of his adversaries. He sent to his attorney full power to act in his name: and, when the lord deputy informed him from the king, that his presence would be necessary to defeat the intrigues of the plaintiff, he solicited a respite of thirty days, that he might collect money, and make preparations for the journey. The request was

[115] Lynch, Alithinologia, Supplem. 186. in Dr. O'Conor's Historical Address, ii. 226.

[116] In Boderie it is said that the plaintiff was a relation, in Carleton that he was Montgomery, archbishop of Armagh.

granted: and before the expiration of the term, Tyrone with his wife, his two younger sons, and nephew; and Tyrconnel, with his son and brother, lord Dungannon, and thirty other persons, embarked in a vessel which had arrived from Dunkirk, and landed in a few days at Quillebecque, in Normandy. James at first persuaded himself, that they had shaped their course to Spain, and would return with the Armada, which during the summer had been collected in the Spanish ports: the intelligence that they had proceeded through France to Brussels gave him leisure to breathe. He demanded their persons as traitors; and issued a long proclamation describing them as men of mean birth, who had been ennobled only for reasons of state; of corrupt morals whom no man would think of molesting for religion; of rapacious dispositions, who though their own rights were not invaded, constantly sought to invade the rights of others; and of traitorous intentions, who had designed to raise a rebellion, to invite a foreign force into the realm, and to put to death all Irishmen of English descent.[117] But the foreign courts, in

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1606. Sept. 17.

Nov. 15.

[117] Rymer, xxv. 664. The ambassador hints a doubt of the accuracy of the charge, but adds that the flight of the earls by raising fears caused a relaxation of the severity used towards the catholics. A report was spread that Tyrone intended to massacre all the protestants in Ireland. "La conspiration étoit, à ce qui se publie maintenant "parmi ce peuple, de faire de vêpres Siciliennes sur tous les Anglois "qui sont en Irlande, et puis y rétablir la religion catholique. Je "ne sçais si le principal but dudit Comte eût été de profiter à la

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in defiance of his remonstrances, persisted in treating them as exiles for their rights and religion. Most of them were admitted into the Spanish army in Brabant: Tyrone proceeded to Rome, where he received a monthly pension of 100 crowns from the Pope, and of 600 from the king of Spain.[118]

Sufferings of his friends.

As soon as the alarm had subsided, search was made for the real or supposed associates of the fugitives. Many of their friends suffered in Ulster: several were sent for examination to England; and three gentlemen, sir Christopher St. Lawrence, the eldest son of Tyrone, and lord Delvin, were secured in the castle of Dublin.

Nov. 21.

The last was tried and condemned: but on the morning appointed for his execution, his warder found the cell empty. With the aid of a cord he had escaped out of a window on the preceding evening, and mounting on horseback, had reached in safety the castle of Clochnacter. Proclamations were dispersed, rewards offered, and pursuivants dispatched in all directions; but so trusty were his confidents, so secret his motions, that no trace of his flight could be discovered; and the first time the fugitive appear-

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" religion; mais quoi qu'il en soit, ce qu'il a fait n'y a point déja " été nuisible. Car la vérité est que depuis cela, on n'a pas si sévérement poursuivi les catholiques, comme on fasoit auparavant." Boderie, Dec. 20. 1607. ii. 488.

[118] There are several accounts of the causes leading to the flight of the earls: I have preferred that which was sent to the king of France by his ambassador. Boderie, ii. 387. 390.

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ed in his real character he was seen at court on his knees before the king, soliciting mercy, and holding in his hand a long history of the wrongs done to his father and to himself. James was moved to pity: he admitted as an apology the provocations which had been received; and not only pardoned the offence, but raised the suppliant to the higher dignity of earl of Westmeath. The subsequent services of Nugent repaid and justified the clemency of his sovereign.[119]

Revolt of O'Dogherty.

Whether O'Dogherty, chieftain of Innishowen, had been privy to the designs of Tyrone, may be doubted—it is certain that he had formerly received a blow from the hand of Pawlet, the governor of Derry, and that he burned to wash away the insult with the blood of his enemy. A marriage banquet furnished the opportunity: the party was surprised at table; and Pawlet with five others fell the victims of revenge. Hart, the governor of Culmore, was made prisoner. O'Dogherty led his captive to the gate of the fortress, demanded to parley with the wife of Hart, and allowed her a short term to choose between the death of her husband, or the surrender of the place. Her tears and entreaties prevailed on the pity or cowardice of the garrison; Culmore supplied the chieftain with artillery, arms, and ammunition; and Derry with its

1608. April.

[119] Lynch, ubi supra.

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castle, submitted to his power. This unexpected event excited new hopes and fears. Messengers from the exiles exhorted O'Dogherty to persevere, till they should come to his support; the council strained every nerve to suppress the insurrection, before the arrival of foreign aid. The two first attempts ended in the discomfiture of the royalists, who lost three or four hundred men; but on the approach of Wingfield, marshal of the camp, the chieftain dismantled the two fortresses, and retired among the bogs and mountains. For two months he kept his enemies at bay; but one morning, exposing himself incautiously, he was slain by a random shot, and the voluntary dispersion of his followers immediately put an end to the rebellion. [120]

May.

June.

Plantation of Ulster.

These occurrences opened to the king a fair field for the display of his proficiency in the art of legislation, which he valued no less highly than his theological knowledge. By the outlawry of the fugitives, and the revolt of O'Dogherty, it was estimated that two millions of acres, almost the whole of the six northern counties of Cavan, Fermanagh, Armagh, Derry, Tyrone, and Tyrconnell, had escheated to the crown. James was aware that the endeavours to colonize Ulster under Elizabeth had proved

[120] Boderie, iii. 266. 289. 322. 341. O'Sullivan, 210. This writer bitterly laments that the force under Wingfield was composed chiefly of catholics.

unsuccessful: but he enquired into the causes of the failure, called to his aid the local knowledge of the lord deputy Chichester, and after long deliberation determined to make another trial on a new and improved plan. By it the lands to be planted were separated into four portions, of which two were subdivided into lots of 1000, a third into lots of 1500, and a fourth into lots of 2000 acres. The larger lots were reserved for "undertakers and servitors," that is, adventurers of known capital from England and Scotland, and the military and civil officers of the crown; the smaller were distributed indiscriminately among these, and the natives of the province. It was, however, determined that the latter should receive their allotments in the plains and more open country; the undertakers and survitors on the hills and in positions of strength; that from the first nothing more should be required than a crown rent of a mark for every sixty acres, but that the latter should be bound to take the oath of supremacy and to admit no tenant who was not of British origin. Such was the plan; but in the execution it suffered numerous modifications. Of the whole district, in many parts mountainous and uncultivated, a large portion was never divided at all: and several of the native chieftains, under the plea of loyalty, or by the influence of presents, procured grants of their former possessions. Yet some hundred thou-

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sand acres were planted; and the vigour of the measure, joined to the intermixture of a new race of inhabitants, served to keep in awe those turbulent spirits, that had so often defied the authority and arms of the English government.[121]

Institution of Baronets.

The supposed necessity of a military force, for the protection of the colonists, suggested to sir Antony Shirley a new project of raising money for the use of the king.[122] He proposed the creation of a new title of honour, that of baronet, intermediate between those of baron and knight; that it should be conferred by patent, at a fixed price, for the support of the army in Ulster, that it should descend to heirs male, and be confined to two hundred individuals, gentlemen of three descents, and in the actual possession of lands, to the yearly value of £1000. James approved of the scheme: the patents were offered at the price

[121] The project, orders, and survey, may be seen in Harris. Dr. O'Conor, observes that the account given by Cox, should be corrected by the statements in the Desirata curiosa Hiberniæ, Address, ii. 296. But if we may believe lord Wentworth in the next reign, no faith is to be given to the measurements. He found that most of the undertakers had obtained ten times as much land as was stated in their patents, and at the same time neglected to fulfil their contracts. Stafforde Papers, i. 132. 405.

[122] Selden, part ii. p. 821. 906. 910. "My father," says Thomas Shirley to the king, "being a man of excellent and working wit, did "find out the device of making baronets, which brought to your "majesty's coffers well nigh £100,000, for which he was promised "by the late lord Salisbury, lord treasurer, a good recompence, "which he never had." Dalrymple, i. 69.

of £1095, the estimated amount of the charge of thirty soldiers during three years; and purchasers were found, though in smaller numbers than had been expected. It is unnecessary to add that the money never found its way to Ireland.[123]

Disputes in parliament.

The tranquillity of the island encouraged the lord deputy to announce his intention of holding a parliament after an interval of seven and twenty years. His avowed object was to enact new laws, and to obtain a supply for the king; but the catholics suspected a further design of imposing on their necks that penal code which weighed so heavily on their brethren in England. Their fears were first awakened by successive proclamations enforcing the penalties of recusancy: they were confirmed by the copy of a real or pretended act transmitted from the council in England to that in Ireland;[124] and an additional alarm was excited by the extraordinary exertions of the lord deputy to secure a

1610. 1611.

[123] In the six years ninety-three patents were sold, raising in all £101,835. See Abstract of the king's revenue, 36—38. It was promised in the patents that no new title of honour should ever be created between barons and baronets, and that when the number of 200 had been filled up, no more should ever afterwards be added. Somers' Tracts, ii. 254.

[124] By it the punishment of high treason was to be enacted against all priests, who should remain in the kingdom after the term of forty days from the conclusion of the parliament; and every person harbouring or aiding priests, was for the first offence to pay £40, for the second to incur a præmunire, for the third to suffer death. See it in Hibernia Dominicana, 619.

CHAP. II.

majority in the house of commons. Since the last parliament seventeen new counties had been formed, and forty new boroughs had been incorporated, though most of the latter consisted only of a few scattered houses built by the undertakers in Ulster. The lords of the pale

1612. Nov. 23.

presented a petition to the council, remonstrating in strong though respectful language against these illegal incorporations, and demanding that all laws, which had for their object to force consciences, should be repealed.[125] What answer was returned is unknown; but

1613. May 18.

the parliament met. On a division respecting the choice of a speaker, it appeared that the protestants had a majority of more than twenty members: but their adversaries objected to many of the returns, they seceded from the house, and so specious was their cause, so menacing their appearance, that the lord deputy did not venture to proceed. He prorogued the parliament, and the two parties appealed to the justice of the king.

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[125] The catholics in the petition presented by their deputies, complained that they, the ancient nobility and gentry of the pale, were "vilipended, set at nought, and disgraced by men newly raised to "place and power; that the new boroughs were incorporated with "the most shameful partiality;" and that their representatives were attornies' clerks, and servants; they requested the king to weigh the discontent created by such measures, and the danger to be feared from the "evil-affected which were numbers by reason of the already "settled and intended plantations:" and to pacify the nation, lest a civil war, fomented, perhaps, by some foreign power, should be the consequence. See it in Leland, ii. 450.

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During the contest the catholics had presented a remonstrance containing the catalogue of their religious grievances. They complained that obsolete statutes had been of late revived and carried into execution: that their children were not allowed to study in foreign universities: that all the catholics of noble birth were excluded from offices and honours, and even from the magistracy in their respective counties: that catholic citizens and burgesses were removed from all situations of power or profit in the different corporations: that catholic barristers were not permitted to plead in the courts of law: and that the inferior classes were burthened with fines, excommunications, and other punishments, which reduced them to the lowest degree of poverty. In conclusion, they prayed that, since persecution could not wean them from their religion, the king would adopt a more moderate course, which might restore tranquillity, and provide at the same time for his own interests, and those of his people.

Remonstrance of Catholics.

After the prorogation they sent the lords Gormanstown and Dunboyne in the name of the catholic peers, and two knights and two barristers in the name of the commons, to lay their petition at the foot of the throne. To defray the expense of this mission a general collection was made throughout the kingdom, and all classes contributed their portion in the face

King judges between the parties.

CHAP. II.

of a prohibitory and menacing proclamation.[126] By James the deputies were graciously received; but his itch of talking soon changed him from a judge to a party; he answered their arguments and refuted their claims.[127] A commission of inquiry was, however, granted: and the king, having received the report, pronounced his approval of the conduct of the lord deputy, while he left that of the inferior officers of government open to further investigation. Chichester himself, with the earl of Thomond, Denham the chief justice, and St. John, the master of the ordnance, attended in England; the complaints of the recusants were repeatedly debated during two months; and it was conceded that two of the returns to parliament were illegal, and that the representatives of boroughs incorporated after the writs were

1613. July 9.

1614. Feb. 7.

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[126] O'Sullivan, iv. 247. Hibernia Dominicana, 625.

[127] The English council sought to intimidate the petitioners, (Winwood, iii. 463. 468.) and, as usual, committed two of the deputies, Lutterel to the Fleet, and Talbot to the Tower. The jesuit Suarez had lately asserted the deposing power. Several extracts from his work were laid before Talbot, with an order to give his opinion of their truth or falsehood. He sought to evade the task by declaring, that on points of faith he thought with the catholic church; in point of loyalty, he acknowledged James to be lawful and undoubted king of England, Scotland and Ireland, and to him he would bear true faith and allegiance during his life. This answer was pronounced a great offence; and after several other answers, to which more or less objection was made, Talbot was brought before the star-chamber. The result we know not. But it was confessed that his last answer had given full satisfaction, and he was probably dismissed with an admonition. Bacon, iv. 420.

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issued, had no right to sit during the session. To the remaining complaints no particular answer was returned: but James sending for the deputies, and several Irish lords and gentlemen who had joined them, pronounced a severe reprimand, and was proceeding to tax them with disloyalty on the ground of religion, when lord Delvin, falling on his knees, protested that he was and always would be faithful to the king, but that no consideration should ever induce him to abjure the worship of his fathers; wherefore, if it was supposed that the profession of the catholic faith could not be reconciled with the loyalty of a good subject, he begged permission to retire to some foreign country, where he might serve his God without constraint to his conscience or offence to his sovereign. The king was disconcerted by this interruption; but recovering himself, he said that it was not to Delvin, but to the others that his words had been directed; but by their resistance to his deputy they had incurred his high displeasure; but that he would allow them to return to Ireland, in the hope that their future submission would justify his present lenity.[128] May 8.

Conclusion of parliament. May 30.

The appearance of another proclamation, leaving to the catholic clergy of Ireland the option between self-banishment or death, taught the public to believe that the lord deputy had

[128] Hibernia Dominicana, 626—628. Plowden, i. App. xvii.

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gained a complete victory over his opponents. But, however anxious James might feel to strengthen the protestant interest in the island, he saw that additional persecution, without a larger force than he could maintain, would only provoke a general and perhaps successful rebellion. He sent Chichester back with instructions to soothe rather than irritate: the recusants received private assurances of forbearance and indulgence; and when the parliament met again, both parties appeared to be animated with the same spirit of reconciliation and harmony. Every attempt to revive the late controversy was silenced; and the two houses joined in a petition that catholic barristers might be permitted to plead in defiance of the law. With similar unanimity, an act was passed recognizing the right of James to the crown;

1615. the attainder of Tyrone, Tyrconnel, and O'Dogherty, with their accomplices, and the plantation of Ulster, were confirmed by law; all statutes establishing distinctions between Irishmen of the two races were abolished, and a

Oct. 24. liberal subsidy was cheerfully granted to the crown.[129]

New plantations. Chichester was succeeded in the office of

[129] In the convocation the clergy adopted a code of doctrinal articles for the use of the Irish church, compiled chiefly by the celebrated Usher. They amount in number to one hundred and four, and lean much more to the opinions of Calvin, than the thirty-nine articles of the church of England. See them in Wilkins, iv. 445—454.

deputy by Oliver St. John, and St. John by Carey, viscount Falkland. Under the former a na ttempt was made by order of the English council, to enforce the legal fine for absence from church, and the judges were instructed to begin by reporting the names of a few catholics in each county, likely from the timidity of their disposition to submit, and from the influence of their station to find imitators among the people. By Falkland a most menacing proclamation was published, commanding every catholic clergyman to quit the kingdom within fifty days, under the peril of incurring the royal indignation, and of suffering the severest penalty enjoined by the law. But the policy of such measures was very questionable. They could produce no benefit, because it was impossible to carry them into execution; and they served to irritate, because they proved the hostile and intolerant disposition of the government.[130]

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1616.
1622.
1618. Feb. 16.
1623. Jan. 21.

James himself was convinced that before he could extirpate the catholic worship, it would be necessary to colonize the other provinces after the example of Ulster. New inquiries into defective titles were instituted, and by the most iniquitous proceedings it was discovered, that almost every foot of land possessed by the natives belonged to the crown.[131] First the sea

[130] Hibernia Dominicana, 636, 637.

[131] Carte's Ormond, I. 26. "Where no grant appeared, or no descent or conveyance in pursuance of it could be proved, the land

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coast between Dublin and Waterford was planted: then came the counties of Leitrim and Longford; next followed King's county, Queen's county, and Westmeath. James had required that three-fourths of the lands should be restored to the original occupiers; but his orders were disregarded; the Irishman was fortunate who could recover so much as one-fourth: many were stripped of every acre which they had inherited from their fathers, and several septs were transplanted from the soil that gave them birth, to the remotest parts of the island.[132] From Leinster the projectors travelled west-

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"was immediately adjuged to belong to the crown. All grants "taken from the crown since 1° Edward II. till 10° Henry VII. had "been resumed by parliament, and the lands of all absentees and of "all that were driven out by the Irish, were by various acts "vested again in the crown. . . Nor did even later grants afford a "full security; for if there was any former grant in being at the "time that they were made, . . . or if the patents passed in Ireland "were not exactly agreeable to the fiat, and both of these to the king's "original warrant transmitted from England: in short, if there was "any defect in expressing the tenure, any mistake in point of form, "any advantage to be taken from general savings and clauses in the "patents, or any exceptions to be made in law, (which is fruitful "enough in affording them) there was an end of the grant and of the "estate that was claimed under it."

[132] No fewer than seven septs were removed from Queen's county to that of Kerry, and forbidden to return under martial law. The seignory of Torbert was given by the king to sir Patrick Crosby, on condition he should lease out one-fourth to the new comers on reasonable rates. A few, and only a few leases were made. See Stafforde's dispatches, i. 69. See another case in Carte, which, he says, for injustice and cruelty is scarcely to be paralleled in the history of any age or country. i. 27—32.

ward, and claimed for the king the whole province of Connaught, and the adjoining county of Clare, as having formerly belonged to the earl of Ulster. In the reign of Elizabeth it had been agreed that the occupiers of this extensive district should surrender all their lands, and receive them back on certain conditions. The agreement was performed: but the patents, for some unknown reason, were not delivered. To supply the defect, in the thirteenth of James, they made a second surrender, received the 1623. patents, and paid three thousand pounds as the price of enrolment in chancery. Within four years it was discovered that through the malice or neglect of the officers, the enrolment had not been made: and James was advised to take advantage of the omission, and to re-assert his right to the whole country. But the firm and menacing language of the occupiers alarmed the mind of the king: they protested against the injustice of the measure, and hinted a resolution to keep by the sword, what they had rightfully inherited from their ancestors. A composition was proposed. James renewed the patents for a double annual rent, and a fine of £10,000: and the inhabitants congratulated themselves on their fortunate escape from the rapacity of the projectors and of the sovereign.[133]

Such was the state of Ireland at the death of the king. Civil injury had been added to reli-

[133] Carte, i. 22—27.

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gious oppression. The natives, whom the new system had despoiled of their property, or driven from the place of their birth, retained a deep sense of the wrongs which they suffered; and those, who had hitherto eluded the grasp of the servitors and undertakers, pitied the fate of their countrymen, and execrated a government from which they expected in a few years a similar treatment. There was, indeed, a false and treacherous appearance of tranquillity: and James flattered his vanity with the persuasion, that he had established a new order of things, the necessary prelude to improvement and civilization. In a short time his error became manifest. He had sown the seeds of antipathy and distrust, of irritation and revenge; his successor reaped the harvest, in the feuds, rebellions, and massacres, which for years convulsed and depopulated Ireland.

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JAMES I.

PERSECUTION OF THE CATHOLICS, PURITANS, AND UNITARIANS —BACON—BUCKINGHAM—THE FAMILY OF THE LAKES—SIR WALTER RALEIGH—THE PALATINE ELECTED KING OF BOHEMIA —PROCEEDINGS OF PARLIAMENT—IMPEACHMENTS—DISGRACE OF BACON—WILLIAMS MADE LORD KEEPER—HOMICIDE BY ARCHBISHOP ABBOT—DISSENSION BETWEEN THE KING AND THE COMMONS—MARRIAGE TREATY WITH SPAIN—THE PRINCE AT MADRID—THE MATCH BROKEN OFF—PARLIAMENT—SUPPLY—IMPEACHMENT OF THE LORD TREASURER—INTRIGUE AGAINST BUCKINGHAM—PREPARATIONS FOR WAR WITH SPAIN—MARRIAGE TREATY WITH FRANCE—DEATH OF THE KING.

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Archbishop Abbot.

UNDER archbishop Bancroft the church had been "purged" of the non-conformist ministers. Fines and imprisonment, and deprivation, had taught a wholesome lesson, and the less obstinate persuaded themselves that it was lawful to submit in silence to that, which, though they might condemn, they could not prevent. At the death of Bancroft the prelates recommended for his successor, Andrews, bishop of Ely: James preferred Abbot bishop of London, not,

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however, as he told him, in reward of his own merit, but of that of his patron, the earl of Dunbar.[1] Abbot did not inherit that stern spirit of orthodoxy which distinguished his predecessor: though he approved of the established discipline himself, he respected the scruples, and connived at the disobedience of others; and his moderation, as it was called by his friends, though his enemies termed it a culpable and treacherous indifference, encouraged some of the puritan preachers to establish separate and independent congregations on the following basis: 1°. that it was unlawful to adopt in the worship of God any form or ceremony not expressly warranted in scripture: 2°. that each congregation is a distinct church, independent of all others: 3°. that the pastor of every such congregation is supreme under Christ, and exempt from the control or censure of any other minister.[2]

Sufferings of the catholics.

In proportion as the metropolitan inclined towards puritanism, he displayed the most active antipathy against the professors of the ancient faith. But his vehemence was checked by the moderation of James, who less prodigal of human blood than his female predecessor, less willing to pass in the estimation of foreign princes for a sanguinary persecutor,

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[1] Birch, Negociations, 338.

[2] Neal's History of the Puritans, part ii. ch. i.

preferred more lenient punishments to that of death. Though the prisons were crowded with priests,[3] yet during the long lapse of eleven years, from 1607 to 1618, the number of those who suffered as traitors for the exercise of their functions, amounted only to sixteen; a most lamentable falling off in the estimation of men, who had been accustomed to feast their zeal with an equal number of similar executions in the course of twelve months.[4]

The lay catholics were still liable to the fines of recusancy, from which the king, according to his own account, received a net income of 36,000l. per annum.[5] But the statute of 1606 had severely aggravated their sufferings. They were repeatedly summoned to take the new and disputed oath of allegiance. Non-attendance was visited with excommunication, and the civil consequences of that ecclesiastical sentence: and the refusal of the oath subjected them to perpetual imprisonment, and the penalties of a præmunire. When the king in 1616, preparatory to the Spanish match, granted liberty to the catholics confined under the penal laws, four thousand prisoners obtained their discharge. Such at least was the number according to the puritan writers, whose

[3] They were four hundred in 1622. Ellis, Original Letters, iii. 128.

[4] Challoner, ii. 16—120.

[5] Hardwicke papers, i. 446.

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zeal most bitterly laments that so many idolators should be let loose to pollute a soil, purified by the true doctrines of the gospel.[6]

Another grievance arose from the illegal extortions of the pursuivants. Armed with warrants from the magistrates or the under-sheriff, they selected a particular district, and visited every catholic family under the pretext of enforcing the law. From the poor they generally exacted the sacrifice of their furniture or their cattle: to the more wealthy they repeatedly sold their forbearance for large sums of money. Experience proved that it was most prudent to submit. The very show of resistance generally provoked a forced search, in which plate, jewels, and the most valuable effects were car-

[6] Neal, part ii. c. 2. Of the intolerant principles which prevailed at this time, the reader may form a notion from the following instance. On the 7th of May, 1613, several persons were arraigned in the star-chamber on a charge of having defamed the earl of Northampton and six other lords of the council, by asserting that they had solicited the king to grant toleration to the catholics, but had been successfully opposed by archbishop Abbot and the lord Zouch. When the lords delivered their opinions, sir Edward Coke asserted, that the conduct attributed to lord Northampton was little short of high treason, because to advise toleration was to advise the king against the rights and dignity of his crown: the bishop of London and the earl of Shrewsbury prayed that they might never live to see the day when toleration should be granted: and the archbishop said, he would fearlessly declare that in such case the king would cease to be the defender, and would become the betrayer, of the faith. In conclusion the delinquents were severally adjudged to lose one ear, to pay a large fine, and to suffer perpetual imprisonment. Extract from a private letter in my possession, dated London, May 9, 1613.

ried off as superstitious articles, and the owner was conducted to prison, unless he would redeem himself by the payment of a large bribe.[7] These excesses attracted the notice of parliament: a promise of redress was given; and a royal proclamation proved, but did not abolish, the prevalence of the evil.[8]

Burning of Unitarians.

Besides the catholics and puritans, there was a third class of religionists obnoxious to the law, the unitarians, few in number, but equally unwilling to abjure their peculiar doctrines. One of these, by name Bartholomew Legat, was convented before the episcopal court in St. Paul's, and charged with a denial of the trinity. His obstinacy was proof against the arguments of the prelate; it resisted even the theology of the king. The bishop delivered him over to the secular power, and James ordered him to be burnt in Smithfield. Three weeks later Edward Wrightman, who to the denial of the trinity added the assertion that he was the holy spirit promised in the scriptures,

1612. Mar. 3. Mar. 18.

April 11.

[7] From private letters in my possession.

[8] "Under colour of certain general or dormant warrants they have "committed many outrages, abuses, and misdemeanours, as well in "searching the houses of divers our honest and well affected subjects "without just cause of suspicion, and taking and seizing goods, plate, "and jewels, no way leading to superstitious uses, yet pretending "them to be the goods of jesuits and others, and also in discharging, "and wilfully suffering sundry jesuits and other popish priests and "dangerous and evil-affected persons to escape for bribes and rewards "underhand given to them." Rymer, xvii. 213. Also Bacon's works, vi. 210.

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suffered a similar fate at Norwich.[9] "God," observes Fuller, "may seem well pleased with "this seasonable severity: for the fire thus "kindled quickly went out for want of fewell." Yet another unitarian was discovered and condemned to expiate his errors at the stake: but James, informed of the murmurs uttered by the spectators at the former executions, prudently saved him from the flames, and immured him in a dungeon for life.[10] In this conduct he persevered to the end of his reign, and the fire went out, not through want of fuel, but through the policy or the humanity of the sovereign.

Bacon in disgrace.

From these instances of religious intolerance, we may turn to the civil transactions which filled up the residue of James's reign. While the king was in Scotland, Bacon had taken possession of his office. The vanity of the new lord keeper, the state which he displayed, and the consequence which he assumed, excited ridicule and contempt. But his preferment was an instructive lesson to sir Edward Coke, to whom the favourite had offered his protection, whenever he would consent to marry his daughter (a rich heiress) to Buckingham's brother, sir John Villiers. Coke at first had refused: he now signified his acquiescence through his friend

[9] See the writs for their execution in Howell, ii. 731. 736, and at the end of Truth brought to Light.

[10] Fuller, l. x. p. 62—64.

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secretary Winwood. The news alarmed the jealousy of Bacon. He wrote to dissuade the king from giving his consent: he secretly encouraged lady Hatton, the wife of Coke, in her opposition, and when the husband, with the aid of twelve armed men, forcibly carried off his daughter from the house of the earl of Argyle, the lord keeper charged him at the council table with a breach of the peace. But the pride of Bacon was soon humbled to the dust. He received from the king a letter of reprimand, from the favourite, one of reproach, with a hint that he who had made, could unmake him at his pleasure.[11] At their return, he solicited, and was refused, access to the royal presence. He waited on Buckingham, was detained several hours in the anti-chamber, and was then dismissed without any apology. He returned the next day: his servility softened the resentment of his patron: and the lord keeper falling at the feet of the young favourite, most piteously implored forgiveness. A reconciliation followed: Coke was again sworn of the privy council:

[11] See the letters in Bacon's works, vi. 137—173, and Weldon, 127. 132. Buckingham announces his displeasure to Bacon in the following words: "In this business of my brother's, I understand "you have carried yourself with much scorn and neglect towards "myself and my friends: for which, if it prove true, I blame not you, "but myself, who *was* your assured friend. G. Buckingham." Ibid. 165. On their reconciliation the earl assured him, that he was obliged to go on his knees, and conjure the king not to put any public disgrace upon him. 172.

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Villiers received the hand of his wealthy but reluctant bride; and Bacon, as the reward of his repentance, obtained the appointment of lord chancellor, with a pension of 1200l. a year, besides the emoluments of the office.[12]

Power of Buckingham.

Buckingham now reigned without control. He had rapidly obtained the dignities of baron, earl, viscount, and marquess: had been made privy counsellor and knight of the garter, and had succeeded to the place of master of the horse on the removal of the earl of Worcester, which he afterwards exchanged for that of lord high admiral, on the forced resignation of the earl of Nottingham. Peerages were created, offices distributed, and ecclesiastical preferments conferred at his pleasure: his influence extended into the courts of law, and every department of government: and crowds of applicants for his favour, peers, prelates, and commoners, were all careful to purchase it by large presents of money, or the grant of an annuity on their salaries and emoluments. James appeared to rejoice in the wealth and authority of his favourite; was never happy but in his company; and made him both the depository of his secrets, and the arbiter of his pleasures. Under the auspices of Buckingham the court assumed a gayer appearance than it had worn of late years: balls, and masks, and festivities, hastily

[12] The chancellorship was worth £2790 per annum. Secret History of James, i. 450. note.

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followed each other: and with them were intermixed, to gratify the taste of the monarch, the most quaint conceits, low buffoonery, and ridiculous deceptions.[13] James had already scandalized the puritans by the allowance of certain pastimes on Sundays;[14] this round of dissipation at Whitehall filled them with pain and horror. They declaimed against the libertinism of the court: exaggerated the dangers to which female virtue was exposed amidst a crowd of licentious gallants; and openly accused the king of knowing and abetting the flagrant immoralities of his favourite.[15]

Trial of the earl of Suffolk.

Buckingham had soon weeded out the friends and dependents of the fallen Somerset: he now ventured to attack his father-in-law, the earl of Suffolk, lord treasurer, charging him with pe-

[13] Weldon, 91. Aul. coq. 263. It was probably in allusion to some of these sports, that in the correspondence between James, the queen, and Buckingham, the king was frequently addressed with the title of "your sowship."

[14] Collier, ii. 711. During his return from Scotland he publicly declared his pleasure "that after the end of divine service, the people "should not be letted from any lawful recreation on Sundays, such as "dancing either of men or women, archery for men, vaulting or any "other such lawful recreation, nor from having May-games, Whit-"sun-ales, and Morris-dances, and the setting up of May-poles, and "other sports therewith used, and that women should have leave to "carry rushes to the church for the decoring of it, according to their "old custom." This permission, however, was not to extend to recusants, nor even to conformists if they had not on the same day attended divine service. May 20, 1618. Somers' Tracts, ii. 55.

[15] "There is not a lobby or chamber (if it could speak) but would "verify this." Peyton, 369, also 354, 355. Wilson, 728.

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culation in the discharge of his high office. James expressed an inclination to spare the earl a trial on his submission, but Suffolk stood on his innocence, and was condemned in the star-chamber to imprisonment in the Tower, and a fine of £30,000. In a short time the fine was moderated, and the prisoner regained his liberty, but with an intimation that the king expected his two sons to resign their places in his household, which he meant to bestow on the dependents of the favourite. But the earl had too much spirit to submit, and he forbade his sons, whatever might be the consequence to himself, to part with their offices unless by absolute force.[16]

Of the lakes.

Another trial, singular in all its circumstances, occupied at the same time the attention of the king. William Cecil, called in right, of his mother lord Roos, had married the daughter of secretary Lake: and the next year quitting the kingdom without leave, sent a challenge from Calais to her brother. It was at first given out that his departure had been caused by a dispute respecting the settlement on his wife; afterwards it was attributed to her detection of an incestuous commerce between him and Frances, the second wife of his grandfather, the earl of Exeter. That lady was in-

1616. Feb. 12. 1617. August 2.

[16] See two spirited letters from him to the king and to Buckingham, in Cabala, 362.

dignant at a report so injurious to her honour: she traced it to the lady Lake and her daughter, and immediately appealed for justice to the court of the star-chamber. The defendants produced in their favour a written instrument, purporting to be a confession of guilt in the hand writing of the countess herself; asserted that she had delivered it to them in the presence of lord Roos and his servant Diego, standing at the great window in the long room at Wimbledon; and brought forward Sarah Swarton, a servant, who swore that, being concealed behind the hanging at the opposite end, she had seen and heard all that passed. James, who prided himself on his sagacity in the detection of forgery and imposture, determined to unravel this mystery. He privately dispatched a messenger to lord Roos in Italy, who with Diego, took his oath on the sacrament that the whole tale was a fabrication.[17] With this ground for suspicion, the king compared the written document with the letters of the countess, and discovered a discrepancy in the hands: and then riding unexpectedly to Wimbledon, convinced himself that Swarton could not have been concealed behind the hangings, nor have heard what was said at the window. The British Solomon now took his seat among the

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1618. June 27.

1619. Feb. 6.

[17] He died very soon afterwards; and, if report deserve credit, of poison.

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judges in the star-chamber: five days were occupied with the pleadings; on the sixth day lady Roos acknowledged that the instrument had been forged with the privity of her father and mother; and judgment was pronounced that in consideration of her repentance and confession, she should only suffer confinement during the royal pleasure; that Swarton should be whipped at a cart's tail, and do penance in the church of St. Martin, and that sir Thomas and lady Lake should pay a fine of £10,000 to the king, and damages to the amount of £5000 to the countess; and should also be imprisoned till they had made their submission.[18] It is probable that the court came to a correct decision with respect to the guilt of the parties: but, whether it did or not, the case taken in all its bearings will leave a very unfavourable notion of the morality of the age: and if we couple it with the scene of iniquity disclosed by the history and trials of the earl and countess of Somerset, will convince us, that at this period the most shameful and degrading vices were not uncommon among persons of the first rank and consideration in the state.[19]

1619. Feb. 13.

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[18] Carleton's letters, 169, 170. 192. Aulicus coquin: in the secret history of James, ii. 190—197. Camden, annis, 1617, 1618, 1619. Bacon's works, vi. 233.

[19] The Spanish ambassador interceded in favour of lady Lake. But James replied that she was, he dared to say it, guilty of the seven deadly sins, and that to grant her any indulgence at that time,

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Sir Walter Raleigh.

About the same time a more interesting, but more distressing scene, was opened to the public by the last adventures and the subsequent fate of the gallant but unprincipled sir Walter Raleigh. After his conviction in 1603, he had remained thirteen years a prisoner in the Tower: but the earl of Northumberland, the Mecænas of the age, had converted that abode of misery into a temple of the muses. Raleigh was gradually inspired by the genius of the place: at first he endeavoured to solace the tedium of confinement by the study of chemistry: thence he proceeded to different branches of literature; and two years before his enlargement published his history of the world. In this celebrated work, the plan, the thoughts, and the diction are his own: the principal portion of the materials had been supplied by his friends. But to him as the author the whole praise was assigned. Men had hitherto considered him as an adventurer and a courtier: they now stood in astonishment at his multifarious acquirements, his deep research, his chronological knowledge, and his extensive acquaintance with the Grecian and rabbinical writers. Admiration of his talents begot pity for his fate: and

would be to acknowledge his judgment unjust, and to break his promise to lady Exeter in a matter of justice. Ellis, Original Letters, iii. 120.

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prince Henry was heard to say, that no man besides his father would keep such a bird in a cage.[20]

His discharge from the Tower.

For a long time his confinement was attributed to the influence of his political enemy, the earl of Salisbury. But James appeared equally inexorable after the death of that minister: his resolution was proof against the intercession of his son, of his queen, and of his brother-in-law the king of Denmark; it yielded only to the solicitations of his favourite, whose services had been purchased by the prisoner on the condition that he should pay £1500 to sir William St. John, and sir Edward Villiers. Still Raleigh remained under the sentence of death. James gave him liberty, but refused him pardon: and fearful of his talents, mistrustful of his loyalty, he sought to contain him within the bounds of duty, by reminding him that his fate still depended on the mere pleasure of his sovereign.

1616. March 17.

His previous voyage to Guiana. 1584. March 25.

In 1584, Raleigh had obtained from queen Elizabeth a patent, which seems to have been drawn after some of the papal grants of former ages. It gave to him, his heirs and assigns,

[20] His History of the World was published in 1614. It commences with the creation, reviews the three first monarchies, and ends about a century and half before the birth of Christ. Ben Jonson, Harriot, and particularly Dr. Burrell, are mentioned as the chief contributors to this work, by Mr. D'Israeli, in an interesting article on literary unions, in his second series of the Curiosities of Literature, ii. 143.

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full power to discover and subdue foreign and heathen lands not in the possession of any christian prince, nor inhabited by any christian people; to hold them of the English crown by the payment of one-fifth of all the gold and silver ore that might be extracted; to resist and expel by force of arms all persons, who should attempt to settle within two hundred leagues of the place where he or his dependents might fix their habitation within the six following years; and to surprise and capture all ships which should attempt to trade in the rivers, or on the coasts within the limits aforesaid.[21] In consequence of this most ample grant, Raleigh sent to the shores of North America several expeditions, which proved ruinous to the projector, though beneficial to the country, in as much as they led to the colonization of Virginia. In 1596 he sailed in person, but his object was of a different nature, the discovery of the fabulous empire of Guiana, its incalculable riches, and its golden city of Manoa, called by the Spanish adventurers, El Dorado. At Trinidad he was received by the Spaniards, as on his voyage to Virginia, and exchanges in the way of trade were amicably made between the strangers and the garrison: but Raleigh, watching his opportunity, surprised and massacred the guard, reduced to

1569. Feb. 6.

[21] Hakluyt, iii. 243.

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ashes the town of St. Joseph, and carried away Berreo, the governor, who had previously made an establishment in Guiana.[22]

With this officer for a guide, and without apprehension of an enemy to intercept his return, he sailed fearlessly to the mouth of the Orinoco, and advanced in boats some hundred miles up the river, giving out to the natives that he was their friend and protector, who had come in search of the Spaniards, the common enemy of both. Four weeks were spent in the survey of the country and in communications with the inhabitants, when the waters suddenly rose, the boats could no longer stem the rapidity of the current, and the adventurers, abandoning themselves to the stream, were carried back through a thousand perils to their vessels. The discoveries which he had made, rather irritated than satisfied the curiosity of Raleigh. He had gained little to indemnify him for the expense of the voyage, but he had seen enough to quicken his hopes, and to stimulate him to further exertions.

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[22] He shall be heard in vindication of this conduct. "To be revenged of the former wrong, (it was said that on some former expedition to Trinidad, Berreo had made prisoners of eight Englishmen under a captain Whiddon) as also considering that to enter Guiana by boats, to depart four or five hundred miles from my ships, and to leave a garrison in my back interested in the same enterprize, who also expected daily supplies out of Spain, I should have savoured very much of the ass: therefore taking a time of most advantage, I set upon the corps de garde," &c. That he might not savour of the ass, he became a murderer!

CHAP. III.

Obtains leave to make another voyage.

The account which he published after his return, proves him to have been a master in the art of puffing.[23] The riches of the natives, the fertility of the soil, and the salubrity of the climate, were painted in the most seductive colours: numbers offered to share with him the charges of another expedition; and several ships successively sailed to Guiana, and returned to England, but without forming any settlement, or making any additional discovery. These failures Raleigh attributed to the inexperience or misconduct of the leaders: *he* was acquainted with the natives, and the situation of their mines: were *he* permitted to go out, he would make Guiana to England, what Peru had been to Spain. It was a bold and hazardous boast; for his own narrative shews that of the gold mines he knew nothing more than what he conjectured from the appearance of the surface, and what he inferred from the casual assertion of a native, the guide of captain Keymis. But he continued to press the subject on the attention of secretary Winwood, till that minister, dazzled by the prospect, presented his petition

1616. Aug. 26.

[23] "The common soldier shall here fight for gold, and pay himself, instead of pence, with plates of half a foot broad, whereas he breaks his bones in other wars for provant and penury. Those commanders and chieftains that shoot at honour and abundance, shall find here more rich and beautiful cities, more temples adorned with golden images, more sepulchres filled with treasure, than either Cortez found in Mexico, or Pizarro in Peru." See "The Discovery of the large, rich, and beautiful empire of Guiana, with Relation of the great and golden city Manao," &c. London, 4°. 1596, in Raleigh's works, by Birch, ii. 137.

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to the king, and obtained for him the permission which he sought.

Gondomar, the Spanish ambassador, was supposed to have acquired considerable influence over the royal mind, by the adroitness of his flattery, and the brilliancy of his wit. He was not slow to discover the design of Raleigh; and complained to the king, that he had authorized that, which was in reality a piratical expedition against the Spanish settlements in South America. James sent for the patent, revised and corrected it with his own hand. While he gave to the adventurers the power of trading and defending themselves, he refused that of invading or subduing others.[24] He even limited their trade to countries inhabited by savage and infidel nations: not content with this, he expressly forbade Raleigh to

1617. March 28.

offer any offence to the subjects of his allies, particularly to those of the king of Spain; and for greater security required from him a statement in writing of the place where he purposed to trade, and of the force which he intended to take out. Gondomar, by means with which we are unacquainted, obtained a sight of this paper: and a copy of it, with a reinforcement of soldiers, was forwarded to his brother, the governor of St. Thomas.[25]

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[24] Rymer, xvi. 789. Raleigh's works, by Birch, ii. 365.

[25] James has been severely censured for allowing Gondomar to see this paper. The ambassador may have procured it from others: but

CHAP. III.

His unfortunate attack on the town of St. Thomas.

While Raleigh's ship lay in the river, he received some visits from Des Maretz the French ambassador. They may have originated in curiosity, but they attracted the notice of James, and awakened unfavourable suspicions in his breast. The expedition consisted of fourteen sail; and after a long and tedious voyage of four months, during which the elements seemed to have conspired against the adventurers, it reached the coast of Trinidad. Two ships were missing: a considerable number of men had died of a contagious disease; and more, among whom was the commander-in-chief, were reduced by sickness to the last state of debility. To add to their distress they learned that a Spanish fleet was cruising to intercept them in the neighbouring seas. Under these circumstances it was determined that the fleet should remain at anchor, while two hundred and fifty men in boats, under the guidance of Keymis, and the command of Raleigh's nephew, should proceed up the river, and take possession of the supposed

Nov. 17.

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if it were from James, the king may still be without blame. It is manifest from the very words of Raleigh that throughout the negociation he deceived his sovereign. "I acquainted his majesty with "my intention to land in Guiana, yet I never made it known to "his majesty that the Spaniards had any footing there. Neither had "I any authority from my patent to remove them from thence. "Therefore his majesty had no interests in the attempt of St. Thomas "by any foreknowledge in his majesty." Address to lord Carew. See Cayley's correct copy, ii. 138.

CHAP. VII.

1618. Jan. 2.

mine. They landed near the settlement of St. Thomas, the governor was killed, and the town was occupied by the conquerors. But to cross a branch of the river, and to advance mountains in the face of the enemy, was an enterprize of great difficulty and danger: and after a short consultation, the adventurers set fire to the town, and repairing to their boats, hastened to rejoin their countrymen at Trinidad.

His return to England.

Their return plunged the unfortunate Raleigh into the deepest distress. His son had fallen in the attack of the town: the mine on the existence of which he had staked his head, had not been even discovered; and the plunder of the settlement was too inconsiderable to atone for his disobedience to the royal command. In the anguish of his heart he poured out a torrent of invective against Keymis, who having endeavoured in vain to pacify his commander, retired to his cabin and put an end to his life. Raleigh's only remaining hope was to redeem his character by some desperate enterprise, and to return to England with sufficient spoil to purchase his pardon. But with the loss of his good fortune he had forfeited the confidence of his followers; ship after ship abandoned his flag: the men under his immediate command mutinied and split into parties; and, after an unsuccessful attempt to slink away

June.

on the coast of Ireland, he returned to the har-

bour of Plymouth, whether by choice or compulsion is uncertain.[26]

His apprehension.

Here misfortune seemed to have subdued his courage, and perplexed his understanding. He hesitated between the different expedients which suggested themselves to his mind, till he precipitated himself into the snare that had been prepared by his enemies. He was certain of an asylum in France, and a bark lay ready to convey him across the channel. He proceeded towards it, turned back, fixed another evening for the attempt, and then refused to keep his appointment. In a short time he was arrested by his kinsman Stukeley, vice admiral of Devon, who had received orders to conduct him to London. The horrors of the Tower immediately rushed on his imagination: from Manourie, a French empiric, his warder, he purchased drugs that provoked the most violent retchings, and a caustic ointment which produced blisters on his forehead, nose, breast, arms and legs; he was found in his shirt on all fours on the ground, gnawing the rushes, and personating madness; and three physicians, whom Stukeley consulted, agreed in pronouncing him in great though not immediate danger. He was then in the neighbourhood of Salisbury James lay in that city, and unwilling to intro-

July 27.

August 1.

[26] See his letter to Winwood, his apology to the king, and "the "declaration of the demeanour and carriage of sir Walter Raleigh," &c. in the second volume of Cayley, 106. 115. App. 82.

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duce a prisoner under an infectious disease into the Tower, the king assented to the petition of his friends that he might be confined for a short time to his own house. This was his real object. Captain King was instantly dispatched to provide a ship for his escape : but Manourie, to whom he had confided the secret, betrayed it to Stukeley, and Raleigh, observing that he was more closely watched, purchased the promise of connivance from his kinsman with the present of a valuable jewel, and a bond for the payment of £1000. But Stukeley was a traitor, acting under instructions to procure, by every device in his power, evidence of Raleigh's connection with France, and daily advertising the council of every transaction regarding his prisoner. At Brentford, Raleigh received a visit from Le Chesnay, secretary of Le Clerc, the French resident : in London he had a private interview with that minister himself, who offered him the use of a French bark in the river, with a letter addressed to the governor of Calais. He preferred, however, the ship provided for him by captain King, and at the appointed time, disguising himself, and being accompanied by King, Stukeley, and Stukeley's son, took a boat to sail down the river to Gravesend. A wherry which appeared to follow them, excited his apprehensions : the tide failing they were compelled to land at Greenwich ; and Stukeley, as soon as he was joined by the men from the wherry,

CHAP. III.

arrested King, and conducted Raleigh to a neighbouring tavern. The next day the fugitive was committed to the Tower: Le Clerc was forbidden the court, and soon afterwards sent out of the kingdom.[27] August 9.

His confinement.

On the first receipt of the intelligence from America, Gondomar repaired to James, exclaiming, "Piratas. piratas, piratas." His sense of the insult offered to his sovereign was quickened by resentment for the blood of his brother: nor did he cease to demand satisfaction till he was recalled to Spain, with an intimation that this was the last appeal which his master would make to the justice of the king of Great Britain.[28] But the anger of James required no incitement from others. He looked on the conduct of Raleigh as a personal injury, and resolved to punish the man who had invaded the territory of a friendly sovereign in defiance of his prohibition, and with the knowledge that the king's word had been pledged for his peaceable behaviour. The answers of the prisoner to the interrogatories administered to him in the Tower were unsatisfactory: the judges declared that while he lay under sentence of death, he was dead in law, and could not be brought to trial for any subsequent offence; and information was conveyed to him, that in punishment of his conduct in sacking August 12.

[27] Cayley, ii. App. 94—104. Somers' Tracts, ii. 431—436.

[28] Bacon's Works, vi. 205.

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and burning the town of St. Thomas, the judgment passed on him in the first year of the king, would be carried into execution. Four days later he was placed at the bar of the king's bench: he pleaded that his commission, by giving him power of life and death over others, was equivalent to a pardon: but the chief justice interrupted him, saying, that in cases of treason pardon could not be implied, but must be expressed; and, after a suitable exhortation, conceived in terms of respect unusual on such occasions, ended with these words, "execution is granted."[29] Raleigh, from the moment he despaired of saving his life, had displayed a fortitude worthy of his character. "He was," says the divine who attended him, "the most "fearless of death that was ever known, and "the most resolute and confident; yet with "reverence and conscience. When I began to "encourage him against the fear of death, he "made so slight of it that I wondered at him. "When I told him that the dear servants of "God, in better causes than his, had shrunk "back and trembled a little, he denied not, "but gave God thanks he never feared death, "and much less then. For it was but an opi-"nion and imagination: and the manner of "death, though to others it might seem grievous,

[29] Howell's State Trials, ii. 33.

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"yet he had rather die so than of a burning "fever.[30]

His death. Oct. 29.

His cheerfulness on the scaffold proved that these were not idle vaunts. Holding his notes in his hand he enumerated and refuted several charges, which had been made against him; that he had received a commission from the king of France, had spoken disrespectfully of his own sovereign, had accused the lords Doncaster and Carew of advising him to escape, and had formerly, at the execution of Essex, openly rejoiced at the fall of his enemy. But his speech disappointed the curiosity of his hearers. He made no allusion to the treason for which he had been originally condemned, nor sought to justify the conduct which had brought him to the scaffold.[31] Having taken his leave of the lords who were present, he asked for the axe, and, feeling the edge, observed with a smile that it was a sharp medicine, but a physician for all diseases. He then laid his head on the block, and gave the signal: but the slowness of the executioner provoked him to exclaim, "Why dost thou not strike? "Strike man!" At the second blow his head was severed from his body.

The fate of Raleigh excited much commiseration. There was a general belief that he had

[30] Hearne's Hemingford, i. App. clxxxv.

[31] His speech in Cayley, ii. 168. Somers' Tracts, ii. 438. Tounson's letter in Hemingford.

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been unjustly condemned in the first instance, and the national antipathy to Spain made light of his more recent offence. The king was accused of having sacrificed to the interested representations of Gondomar, one of the most gallant officers, and most enlightened men among his subjects. Yet if we impartially consider the circumstances under which the expedition originated, and the illegal manner in which it had been conducted, we must confess that the provocation was great, and the punishment not undeserved. Raleigh indeed alleged, that the Spanish town was built on the king's own land, of which he had taken possession for the English crown in 1591. But this plea could not be maintained. If discovery gave right, the Spaniards were the first discoverers; if possession, they had been in possession upwards of twenty years.

Death of the queen.

Among those who took an interest in the fate of Raleigh, was the queen. Her passion for public amusements had long ago ceased: the latter part of her life was passed in privacy at Greenwich and Hampton court. Of her history after the death of her eldest son, we know little more than that she recommended Villiers to the king, and afterwards requested him in return to intercede for the life of Raleigh. She

1619. March 1.

was even then suffering under a dropsical complaint, which in a few months consigned her to the grave. By the vulgar her death was sup-

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posed to have been announced by the appearance of a comet in the preceding autumn: while the more learned, with equal credulity, considered that phenomenon as the harbinger of the events, to which I must now call the attention of the reader.[32]

Insurrection in Bohemia.

During sixteen years James had wielded the sceptre in peace: before the close of his reign he was reluctantly dragged into a war by the ambition of his son-in-law, and the enthusiasm of his people. The cause originated in a distant clime, in a quarrel respecting the site of churches amid the mountains of Bohemia; but that quarrel was connected with religion; and in an age mad with religious fanaticism, the most trifling provocation was sufficient to array

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[32] Caley, ii. 156. Wilson, 719. Dalrymple, i. 78. Balfour, ii. 72. Perhaps I ought here to mention the arrival in England of that distinguished convert Marco Antonio de Dominis. Educated by the jesuits, and employed by them as public professor at Verona and Padua, he was quickly preferred to the bishopric of Segna, and thence translated to the archbishopric of Spalatro. During the contest between the pope and the republic of Venice, he took part with the latter. The displeasure of Paul V. and the danger of a prosecution for heresy, induced him "to take the wings of a dove," and seek an asylum in England in 1617. (His declaration, Somers' Tracts, ii. 19.) He was graciously received, conformed to the established church, and was made dean of Windsor, and master of the Savoy. After a few years he solicited pardon from the pope, returned to Italy, and publicly abjured the protestant creed in 1622. The next year he died; but his language had given occasion to doubt his orthodoxy: judgment was pronounced against him by the inquisition; and the dead body was burnt in the piazzi di campo di Fiori. See Somers' Tracts, ii. 30. Dalrymple, i. 140—148.

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one half of Europe in battle against the other. The fifth article of the edict of peace, published by the emperor Rodolph, had established freedom of religion in Bohemia: by an agreement between the communicants under one kind, and the communicants under both kinds, (so they were distinguished) it was stipulated that the latter should have liberty to erect churches on the royal demesnes; and some years later certain calvinists, pretending that the church lands came under this denomination, began to build on the property of the archbishop of Prague, and on that of the abbot of Brunaw. The two prelates appealed to the emperor Matthias, who decided in their favour: but the chiefs of the calvinists were dissatisfied: in defiance of the imperial prohibition they assembled in the Carolin college, spent the next day in fasting and prayer, and on the third entered the castle of Prague in arms, threw the leading members of the council of state out of the windows, and took forcible possession of the capital. At the same moment, as if by a simultaneous movement, their partisans rose in different districts: two armies were formed; and most of the strong holds fell into their hands. This movement was confined to the calvinists: both catholics and lutherans, though they did not offer any opposition, remained loyal to their sovereign.[35]

1618. May 12.

[35] Belli Laurea Austriaca, 36, 37. Lotichius. 12—15. Cluveri epitome. 652.

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The Palatine elected king.

It was in vain that Matthias, an aged and infirm prince, sought to suppress the insurrection by the offer of an amnesty on certain conditions; that he proposed to refer every subject in dispute to the judgment of four arbitrators, the two catholic electors of Mentz and Bavaria, and the two protestant electors of Saxony and the Palatinate; and that he finally solicited an armistice preparatory to a general pacification. Matthias died, and was succeeded by his cousin, Ferdinand of Gratz, who about two years before had been, with the unanimous consent of the states, crowned king of Bohemia. Ferdinand notified his accession to the insurgents with a ratification of their privileges, and a declaration of liberty of conscience. But they treated the message with scorn, and offered the Bohemian crown, first to John George, elector of Saxony, and then to Frederic, the elector Palatine. The first had the prudence to decline the dangerous present: the second, covering his ambition with the mask of hypocrisy, declared that he saw the finger of God in his election, and dared not oppose the will of the Almighty. He hastened with his family to Prague, and was solemnly crowned by the insurgents king of Bohemia.[34]

1619. March 1.

1617. June 29.

1619. Sept. 12.

Nov. 4.

Embarrassment of James.

It is difficult to describe the delirium of joy which the intelligence excited in England.

[34] Belli Laurea, 199. 211. Lotichius, 72. 82—88. 93.

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Archbishop Abbot pointed out the very text of the apocalypse, in which this important revolution had been foretold: the preachers from the pulpit (an engine of no less political influence in those days, than the press is to found to be in the present,) inflamed the passions of their hearers; and the whole nation called on the king to support the interests of his son-in-law, which were, in their opinion, the interests of God. In this general ferment, James was cool and collected. He saw that to engage in the war, was to espouse a cause evidently unjust; to sanction the principle that subjects might lawfully depose their sovereign for difference of religion; and to plunge himself into an abyss of expense, without any human probability of success. For it was idle to expect that the Palatine, with the aid which he might receive from England, could permanently make head against the power of Ferdinand, assisted, as he would be, by the princes of his family, and the catholic and lutheran feudatories of the empire. But, on the other hand, it was asked, could he in decency abandon his son-in-law, and sit a silent spectator of the war, which would probably strip him of his hereditary dominions? or was it even safe for himself to resist the clamour of his subjects, and by his apparent apathy, teach them to doubt his sincerity in religion? He chose, according to his favourite maxim, a middle course: he refused every application in

favour of Frederic's pretensions to the crown of Bohemia, but granted the aid of an army for the protection of his patrimonial possessions. Four thousand men were dispatched as volunteers, under the command of the earls of Essex and Oxford: but this body, even when it had joined the army "of the protestant union," the German allies of the Palatine, was no match for the more numerous force of the imperialists, led by the celebrated Spinola. By the commencement of autumn the lower Palatinate was lost: about the same time Lusatia submitted to the elector of Saxony, who had been charged with the execution of the ban of the empire against the ambitious but unfortunate Frederic; and the victory of Prague, won by the duke of Bavaria, against the prince of Anhalt, drove the ephemeral king from his newly acquired throne. The Bohemian states solicited and obtained the pardon of their sovereign; and Frederic wandered with his family through the north of Germany, an exile and a suppliant, till he reached the Hague, where he obtained a pension from the pity or the policy of the states.[35]

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1620. July 22.

Nov. 4.

A voluntary subscription, and a loan at a high rate of interest, had enabled the king to fit out the expedition to the Palatinate; but the late disaster of his son-in-law called for more powerful aid, and the zeal of the people

A parliament.

[35] Lotichius, 209—211. Cluveri epitome, 655, 656.

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clamorously demanded a crusade for the support of the protestant interest. The ministers advised him to avail himself of their enthusiasm. Let him convoke a parliament. That assembly could not refuse him those supplies, without which it was impossible to negociate with dignity, or to wield the sword with success. Under this impression, James gave his consent, but with reluctance and misgiving. He knew the reforming temper, the daring spirit of the popular leaders. The time no longer existed when the threat of the royal displeasure used to appal the stoutest hearts; nor did the crown possess that extensive patronage which has since enabled it to secure a majority in both houses. Many consultations were held: and it was determined, as the most eligible expedient, to soothe the country party by concession, and to bribe them to supply the wants of the exchequer, by the spontaneous offer of those benefits, for which former parliaments had petitioned in vain.[36]

Its proceedings. 1621. Jan. 30.

The session was opened with a conciliatory, or rather a supplicatory speech, from the throne. But James exhorted and supplicated in vain.

Feb. 5.

The first care of the commons was to gratify the call of religious animosity, to make the catholics at home suffer for the success which had attended the arms of the catholics abroad. With the concurrence of the lords,

[36] Bacon, v. 531, 532.

they petitioned the king to banish all recusants to the distance of ten miles from London, to restrain them from attending at mass in their own houses, or in the private chapels of ambassadors, and to carry all the penal laws which had been enacted against them, into execution. In addition, that they might perform their own part, they prepared a bill in aid of the former statute, which gave to the crown two-thirds of the property of popish recusants.

From religion they turned to the consideration of their privileges. Four members, they complained, had been imprisoned at the close of the last parliament for their conduct in that house. Precedents might, indeed, be alleged in vindication of the king: but all such precedents were the illegal acts of arbitrary power: to the house itself belonged the right of judging and punishing every breach of decorum committed within its walls; were that right to reside elsewhere, freedom of speech would be a dream or a fiction. The subject was pursued with a warmth that alarmed the ministers: they contended that the apprehensions of the house were unfounded; and the ferment was at length allayed by a solemn assurance from James that, as he had already granted, so it was his intention to maintain, that liberty of speech which was demanded by his faithful commons.[37]

Feb. 12.

Feb. 15.

[37] Journals, 522. The next day to prove their power of punishing

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Feb. 16.

Hitherto the question of supply had been held in suspense; on the receipt of this message, they voted two subsidies, but without tenths and fifteenths. It was a trifling sum, confessedly inadequate to the object for which it was given; but they deemed it politic to keep the king dependent on their bounty, that he might more readily submit to their demands. James himself concealed his feelings. Affecting to look on the vote as a pledge of reviving confidence, he returned them thanks in the most grateful terms, exhorted them to apply to the redress of the national grievances, and assured them that they would always find him ready "to do more "than meet them half way."[38]

It was not long before his sincerity was put to the test. A committee of inquiry had already been established; witnesses were now summoned and examined; and the conduct of the officers of the crown, of the judges and of their dependents, was subjected to the most minute and jealous investigation. All the popular members entered into the inquiry with warmth; but no one took a more decided part

their own members, they expelled Shepherd from the house, because in a speech against the bill for restraining abuses of the Sabbath day, he had contended that the Sabbath was the Saturday, not the Sunday; that the bill was contrary to Scripture, which recommended dancing as a part of the divine worship; and that the mover of the bill, by opposing the king's ordinances on the subject, was a perturber of the peace. Ibid. 523—525.

[38] Ibid. 523.

than sir Edward Coke, whose long experience and great legal knowledge gave weight to his authority; though it was whispered by his enemies that his zeal for the public good was sharpened by the recollection of the treatment which he had received from the court. But whatever were the motives of the reformers, it must be confessed that their exertions were useful. They contributed to eradicate abuses which had long crippled the freedom of trade, and polluted the administration of justice; and they revived in the commons the exercise of an invaluable privilege, which had lain dormant for centuries, that of impeaching public offenders before the house of lords, as the highest tribunal in the kingdom.

Impeachment of patentees.

The first abuse to which the commons turned their attention, was that of monopolies granted by patent. Many, indeed, had been abated at the remonstrances of preceding parliaments; but so ingenious was the avarice of the projectors, so powerful the influence of their patrons, that in the place of one which was eradicated, several sprung up, equally useless to the prince, and equally injurious to the subject. Patents, which secure to the authors of improvements the profits of their own ingenuity, act as a stimulus to industry and talent; but these patents had for their object the private emolument of certain favoured individuals, to whom they gave, under the pretence of public utility,

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the controul of some particular branch of trade, with authority to frame regulations, and to enforce obedience by fines and imprisonment.

The committee began with three patents, the one for the licensing of ale-houses, another for the inspection of inns and hostelries, and a third for the exclusive manufacture of gold and silver thread: and the investigation disclosed a scene of fraud and oppression, which is seldom to be found under the most despotic governments.[39]

Feb. 27. All three were pronounced national grievances: and the patentees, sir Giles Monpesson and sir

March 3. Francis Mitchell, were impeached for their conduct at the bar of the house of lords. They fled for shelter to the protection of the favourite: he had received their money for his services in procuring the patents; and his half-brother, sir Edward Villiers, had been a partner in the profits. To save them, it was at first determined to dissolve the parliament; but the imprudence of such a measure was demonstrated in a written memorial by Williams, dean of Westminster, whose ambition sought to earn, by this appearance of zeal, the good will both of the monarch and his favourite. Under the guidance of his new adviser, Buckingham abandoned his friends to their fate; and affecting the stoicism of a patriot, expressed a hope

[39] See Journals, 530. 538. 540. 541. 617.

that, if his brother had shared in their guilt, he might also share in their punishment. But Villiers was already beyond the sea in the employment of government, and could not reasonably be condemned without the opportunity of making his defence. Even Monpesson, probably through the influence of his patron, found the means to escape from the custody of the serjeant at arms. The lords, however, passed judgment both on the fugitive and on Mitchell, his colleague, that they should suffer imprisonment, pay fines, and be degraded from the honour of knighthood. The king now came forward to complain of the deceit which had been practised on his credulity; and, as a proof of his indignation against the men whom he had secretly laboured to save, commuted, by his own authority, the punishment of Monpesson into perpetual banishment.[40] March 27.

Of the lord Chancellor.

But the patentees were comparatively ignoble game: the lord chancellor, sir Francis Bacon, offered a higher and more reputable quarry. Nature had designed him to rule a master spirit in the world of letters; but ambition led him to crouch at court in search of wealth and preferment. Neither did he fail in his object: industry and perseverance enabled him to overcome the jealousy of Elizabeth, the favouritism of James, and the intrigues of his competitors.

[40] Hacket's Life of Williams, 49. 50. Journals of Lords, 72, 73.

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He was not only in possession of the great seal; he had been created lord Verulam, and had recently obtained, as a new proof of the royal favour, the title of viscount St. Albans. But, if he found the ascent to greatnesss slow and toilsome, his fall was sudden and instantaneous. He had not borne his honours with meekness. Vanity led him into great and useless expenses; his extravagance was supported by rapacity; and the suitors in his court, even the successful suitors, complained that they were impoverished by the venality of the judge. His enemies echoed and exaggerated the charge; and report made the presents which he had received during the three years of his chancellorship amount to the value of 100,000*l.*[41] James, who, while he admired the minister, felt no esteem for the man, indirectly hastened his fall by assuring the lords that, while he hoped that the chancellor might be able to prove his innocence, he was determined to inflict on him the severest punishment, should it be shewn that he was guilty.[42]

March 19.

His judgment.

It was not pretended that Bacon had been

[41] He thus notices the report in a letter to Buckingham. "It is an "abominable falsehood. I never took penny for any benefice or "ecclesiastical living: I never took penny for releasing any thing I "stopped at the seal; I never took penny for any commissions or "things of that nature: I never shared with any servant for any "second or inferior profit. My offences I have myself recorded, "wherein I studied as a good confessant guiltiness and not excuse." Bacon, vi. 391.

[42] Journals, 563.

the first of these high officers to accept presents from the suitors in his court. The abuse was of long standing; it had been known and sanctioned by the last sovereign. But it was truly observed, that no succession of precedents could justify a practice illegal in itself, and destructive of impartiality, one of the first qualifications in a judge. The commons presented their bill of impeachment, charging the viscount St. Albans with bribery and corruption in two and twenty instances himself, and with allowing acts of bribery and corruption in his officers. This stroke unnerved him; he shrunk from the eyes of his accusers; and, under the pretence of sickness, retired to his bed, whence he wrote to the house a letter acknowledging the enormity of his offences, and soliciting mercy for the repenting sinner. The lords required a distinct answer to every separate charge. He obeyed, confessing that each was substantially true, but alleging in extenuation, that few of the presents were received before the decision of the cause, and that the larger sums were taken as loans of money to be afterwards repaid. He was spared the mortification of kneeling as a criminal at the bar of that house, where he had so long presided as chancellor: but the judgment pronounced against him was sufficiently severe to deter his successors from a repetition of the offence. It bore that he should pay to the king a fine of £40,000, should be imprisoned during the

March 21.

April 24

April 30.

1621. May 3.

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royal pleasure, and should be incapacitated for life from coming within the verge of the court, from sitting in parliament, and from serving his country in any office of dignity or emolument.[43]

I may be allowed to pursue through a few lines the history of this extraordinary man. Of his guilt there was no doubt: but, had he submitted with patience to his fate, had he devoted to literary pursuits those intellectual powers which made him the prodigy of the age, he might have redeemed his character, and have conferred immortal benefits on mankind. He revised, indeed, his former works, he procured them to be translated into the Latin language, and he wrote a life of Henry VII.: but these were unwelcome tasks, suggested to him from authority, and performed with reluctance. He still looked back to the flesh pots of Egypt, the favours of the court: and in addition to the restoration to liberty, and the remission of his fine, boons which were granted, he solicited with unceasing importunity both a pension and employment. With this view he continued to harass the king, the prince, and the favourite with letters: he pleaded his former services, he sought to move pity by prayers the most abject, and to win favours by flattery the most blasphemous. But his petitions were received with coldness, and treated with contempt: the re-

[43] Lords' Journals, 53. 75. 84. 98. 106.

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peated failure of his hopes soured his temper and impaired his health; and he died, the victim of mistaken and disappointed ambition, in the fifth year after his disgrace.[44] 1626. May 9.

Other impeachments.

Four other impeachments were carried before the lords during the session. Sir John Bennet, judge of the prerogative court of Canterbury, was charged with having granted for money the administration of wills contrary to law; Field, bishop of Landaff, with brocage of bribery; sir Henry Yelverton, attorney general, with having aided the patentees Monpesson and Mitchell in their illegal proceedings;[45] and

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[44] This meanness of Bacon, so unworthy of his talents and acquirements, appears from the whole tenor of his letters written between his disgrace and his death. Bacon, vi. 280—394. On one occasion he entertained a design of maintaining that the judgment against him was not valid: 1°. because it passed in a session, in which the royal assent was not given to any bill except that of the subsidy; whence he inferred that all the proceedings were only "inchoate and not "complete." 2°. Because it had not been entered on record, and was only to be found in the journals written by the clerk. He consulted the learned Selden, who replied that he thought with him on the second point, but differed from him on the first, vi. 308—310. He is said to have died poor. The numerous and valuable legacies in his will, dated only a few weeks before his death, would prove the contrary, were it not that his executors refused to act, which may induce a suspicion that he left not wherewith to pay them. Ibid. 411—419.

[45] 1°. Bennet eluded his accusers by demanding time to prepare his defence. Before it expired, the parliament was prorogued, and in next session both the charge and the punishment were forgotten. Soon afterwards Bennet was fined £20,000 in the star-chamber, but obtained a pardon from the king. Bacon, vi. 383. 2°. Field had bound a suitor in chancery, under the penalty of £10,000 to place

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Floyd, a catholic barrister and prisoner in the Fleet, with having expressed his satisfaction "that goodman Palsgrave and goodwife Palsgrave" (the palatine and his consort,) had been driven from the city of Prague. The three first cases may be dismissed as of minor importance: but the last demands the attention of the reader, as it served to discriminate the respective duties of the two houses to confirm to the lords their judicial rights, and to confine the commons to the mere power of impeachment. Floyd's offence was not one of the first magnitude, but it awakened the spirit of religious vengeance. As soon as it was mentioned the commons resolved to punish the papist, who had sacrilegiously presumed to rejoice at the disasters of protestant princes: the pillory, whipping, nailing of his ears, and
May 1. boring of his tongue, were moved by different speakers: and he was at last condemned by the house to pay a fine of £1000, to stand in

£6,000 at his disposal, provided a favourable decree should be obtained from the lord chancellor, through the influence of his patron the marquess of Buckingham. But the anger of the house was disarmed by the entreaties of the archbishop: and, as it could not be proved that he was to receive a share of the money, the prelate was left to the censure of his ecclesiastical superior in the upper house of convocation. 3°. Yelverton defended himself with spirit: and hinted that he should not have been a prisoner, had it not been for the enmity of Buckingham, and his influence with the king. James instantly demanded justice for this double slander: the original charge against the attorney was forgotten, and for his recent offence he was condemned to pay a fine to the king, another to the favourite, and to be imprisoned at the royal pleasure. The fines were remitted.

the pillory in three different places two hours each time, and to be carried from place to place on horseback with his face to the horse's tail.[46] Floyd immediately appealed to the king, who the next morning sent to enquire on what precedents the commons grounded their claim to judge offences which did not concern their privileges; and by what reasoning it could be shewn that a court, which did not receive evidence on oath, might justly condemn a prisoner who denied the offence with which he was charged. The message disconcerted the popular leaders: to proceed was to encounter the opposition of the king and of the lords; and to retrace their steps was to confess that they exceeded their powers. Several days passed away in unavailing debate: and at last, in a conference of the two houses, it was agreed that the accused should be arraigned before the lords; and that a declaration should be entered on the Journals, that his trial before the commons should not prejudice the just rights of either house.[47] But, if their defeat was evident, their

May 12.

[46] Journals of commons, 599. 602. There was often something ridiculous in the punishments inflicted by the house of commons. Thus they adjudged Moore and Lock, two officers, to "ride upon one "horse, bare-backed, back to back, from Westminster to the ex- "change, with papers on their breasts with this inscription, For "arresting a servant to a member of the commons house of parlia- "ment." Ibid. 638.

[47] The commons maintained that their house was a court of record, could administer an oath, and consequently give judgment: the lords

CHAP. III.

May 25.

vengeful feelings were abundantly gratified.—The lords added to the severity of the first judgment: and besides the pillory, a fine of five thousand pounds, and imprisonment for life, they degraded Floyd from the estate of a gentleman, declared him infamous, and condemned him to be whipped at the cart's tail from the Fleet prison to Westminster hall. A punishment so enormously disproportionate to the offence, if it were any offence at all, did not pass without animadversion: the next morning, on the motion of the prince, it was agreed that the whipping should not be inflicted, and as an atonement for the precipitancy of the house, an order was made that in future judgment should not be pronounced on the same day on which it was voted.[48]

Close of the session.

By this time the patience of James was exhausted. The parliament had continued four months: but what with impeachments and inquiries into grievances, and the preparation of bills of grace and reform, no further notice had been taken of the royal wants, no attention had been given to the king's request of a second and more liberal supply. It was thought that the country party looked on the sovereign as

would not enter into these questions, but denied that the case of Floyd was within their cognizance. By the lords it was understood that at last the judgment of Floyd was referred to them: but this the commons would not admit; they had judged Floyd: they hoped the lords would judge him also. Journals, 610. 619. 624.

[48] Lords' Journals, 148.

reduced by his distress for money to a dependence on their pleasure: to their astonishment and dismay a message announced his intention to adjourn the parliament at the conclusion of the week. Several violent and querulous debates ensued: the commons resolved to petition for a longer time: and then, when a fortnight was offered, with the petulance of children, (to use the king's expression,) they refused the favour. On the appointed day the parliament was adjourned to November by commission: and immediately each house adjourned itself.[49]

CHAP. III.

May 25.

June 2.

June 4

In this session, or convention, as the king affected to call it, much had been done which might claim the gratitude of the nation. The prosecutions for bribery alone conferred on the people an invaluable benefit, by introducing into the ecclesiastical courts, and the courts of equity, that pure administration of justice, which was acknowledged to prevail in the courts of common law. Yet the members of the lower house were ashamed to return to their constituents. They seemed to have for-

[49] It was held, as appears from the journals, that there was this difference between adjournment and prorogation: that to adjourn was only to suspend, to prorogue was to terminate the session: in the one case the business before the committees, and the bills in progress or awaiting the royal assent, remained in statu quo; in the other every thing was quashed, and all past proceedings rendered of no effect. The king, therefore, preferred an adjournment, that the parliament at the next meeting might take up the business in the state in which it had been left at this.

CHAP. III.

gotten the great object for which they had been sent to parliament, and which interested so warmly the religious feelings of the people. That they might, however, seem to do something, a few minutes before the adjournment, a member proposed a declaration that, unless the troubles in Germany were satisfactorily arranged by treaty during the recess, they would, on their return to the house, be ready to sacrifice their fortunes and their lives for the restoration of the prince Palatine, and the support of the true religion. It was voted by acclamation: and to confirm it with the solemnity of religious worship, sir Edward Coke falling on his knees, recited with much emphasis and feeling the collect for the king and royal family from the book of common prayer.[50]

Williams lord keeper.

The king's first solicitude after the adjournment was to appoint a successor to Bacon. There were three candidates; Ley and Hobart, the two chief justices, and sir Lionel Cranfield, a merchant from the city, who by marrying a relation, had purchased the favour of Buckingham. Williams, if we may believe his biographer, secretly aspired to the place, but openly supported the pretensions of Cranfield, under the expectation that the incompetency of the latter might induce the king and the favourite to turn their thoughts on himself. This policy

[50] Journals, 639. Cob. Parl. Hist. i. 1294.

succeeded: when the seal was offered him he pretended surprise, modestly objected his inexperience in matters of law, and acquiesced, with apparent reluctance, on condition that two judges should sit with him as assistants, and that he should not be considered as in actual possession, but only upon trial for eighteen months. James first named him to the vacant bishopric of Lincoln, and then gave to him the custody of the great seal, with the title of lord keeper. It was long since a churchman had presided in the chancery; the lawyers looked on his elevation with displeasure, and treated him with contempt. But their reluctance yielded to considerations of interest; and in a short time they submitted to plead before him after the usual manner.[51] CHAP. III. July 10.

Homicide by archbishop Abbot.

Williams had scarcely accepted his office when an occurrence took place, which threw the whole church into confusion, and even perplexed the theological abilities of the king. Archbishop Abbot had joined the lord Zouch on a hunting party at Bramzhill park in Hampshire. One morning having singled out a buck, and warned the company to be on their guard, he took his aim, and through mistake or want of skill, shot the keeper of the park, who was accidently passing on horseback.

[51] Such is the account given by Hacket, his biographer, but Williams himself asserts that he had no expectation of the office, when it was conferred upon him. Rymer, xvii. 297.

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The coroner's inquest returned a verdict of unintentional homicide: but it was still contended that by the canon law the archbishop had become irregular, and consequently incapable of holding any ecclesiastical preferment, or of exercising any ecclesiastical function. The solution of this question depended on another: whether the amusement which led to the accident, were allowable in a person of his rank and character. By his friends it was alleged that the canons permitted clergymen to hunt, provided it were done with moderation, and for the sake of health, and that the laws of the land ratified the custom by giving to bishops, parks and free warrens. His opponents replied, that the same canons expressly prohibited all hunting in which deadly weapons were employed: and that if the law secured to the prelates the right of the chace, it was as an appendage to their secular baronies, and to be exercised, like all other secular rights, not by themselves in person, but by their lay servants and deputies.[52]

He is absolved from irregularity.

It chanced at this very time there were four bishops elect, all of whom refused to receive consecration from the hands of the metropolitan, as long as this question remained undetermined. They founded their objection on

[52] See the apology for Abbot and the answer in Howell's State Trials, 11.

scruples of conscience: though it was maliciously whispered that two at least of the number, Williams, lord keeper, and Laud, bishop of St. David's, cherished a stronger motive, the hope of succeeding Abbot in the archiepiscopal dignity, if he were pronounced incapable of executing its duties.[53] James appointed a commission of prelates and canonists: but they could not agree in opinion, and proposed that Abbot should be absolved from all irregularity ad majorem cautelam. But where was the ecclesiastical superior to absolve the metropolitan? In this unprecedented case it was answered that the king, as head of the church, possessed that plenitude of power, which in catholic countries was held to reside in the pope. James, therefore, having first granted him a pardon in law, issued his commands to eight bishops, who assuming for the ground of their proceedings, that the "hunting aforesaid "was decent, modest, and peaceable, and that

Nov. 22.

[53] I give little credit to the story told by Hacket (i. 63.) of the unwillingness of James to give a bishopric to Laud. He had long been the king's chaplain, he was also confessor to Buckingham; he had been chosen to accompany them both into Scotland, and only three weeks before his appointment, James had condemned himself of neglect, and had promised him preferment. Laud's Diary, p. 4. By the statutes of St. John's college, of which he was president, he could no longer hold that office. James absolved him from the oath by which he was bound to observe the statutes; (Rymer, xvii. 328.) but Laud scrupled to avail himself of the absolution, and resigned. Diary, p. 4.

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Nov. 22.

"every possible precaution had been employed "to prevent accident," absolved the metropolitan from all those censures which he might have incurred, and for greater security restored to him the offices and rights which he before held.[54] Abbot had never been a favourite. He now appeared before the king marked with the stigma of homicide; his facility in licensing books which bore hard on the ceremonies and discipline of the church, gave continual offence; and towards the end of his life he never appeared at court, except on occasions of parade and ceremony.

Treaties in favour of the Palatine.

But the chief anxiety of the king was to prepare for the approaching session of parliament. That he might silence the complaints of the popular leaders, and prevent their intended attacks upon his prerogative, he adopted the advice of Williams, abolished by proclamation six and thirty of the most obnoxious patents, appointed commissioners to inquire into the causes which led to the disappearance of the gold coin, and framed regulations for the encrease of trade in the principal outports. On the continent his ambassadors were seen posting to almost every court of Europe; where they employed arguments, bribes, and supplications in favour of the Palatine. But all the efforts of the king were frustrated by the

[54] Ibid. and Wilk. Con. ii. 462. Rymer, xvii. 377—340.

stubbornness of that prince, the uncontrollable temper of his chief partisan count Mansfield, and the ambition of the duke of Bavaria, who sought to annex the palatinate to his own dominions. James could, however, boast that, if Heidelberg, Manheim, Frankendale, and Worms still acknowledged the sway of their native sovereign, it was owing to his exertions in maintaining within their walls 5000 men under sir Horace Vere, and in having prevented the defection of Mansfield's 16,000 mercenaries by a seasonable present of £40,000. Under these circumstances he indulged a hope that his concessions would mollify the obstinacy of the commons, and that his remittances to the palatinate would convince them of his attachment to the protestant interest in Germany, and of his sincere desire to preserve the dominions of the unfortunate Frederic.[55]

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[55] For some years the Turkish pirates from the Mediterranean had occasionally made prizes in the channel, and repeatedly carried off the inhabitants of the coast of Ireland into slavery. To punish their insolence the king proposed a joint expedition at the expense of the different christian powers: and the last summer he had been persuaded to send out a squadron under the command of the vice-admiral sir Robert Mansell, with instructions to burn the piratical vessels within the harbour of Algiers. The attempt was made with that bravery which always distinguishes the British seamen (1621, May 24), but the assailants had no sooner retired, than the inhabitants, aided by a heavy shower of rain, extinguished the flames, and the whole loss of the Turks amounted only to two vessels, which were entirely consumed. The booms which they now threw across the harbour, and the additional batteries which they mounted on the mole,

CHAP. III.

Second session of parliament.

When the parliament re-assembled, the royal commissioners (the king lay indisposed at Newmarket) called upon the lower house to redeem the pledge which had been given at the close of the last session, and to enable the sovereign to interpose with weight and efficacy in favour of the Palatine. But they spoke to dissatisfied and irritated minds. Among the popular orators in former debates, no persons had distinguished themselves more than sir Edward Coke and sir Edward Sands. But 1°. the riches which Coke had amassed while he remained in office had awakened suspicions of his integrity; and his intemperate language and overbearing carriage had created him numerous enemies. At the instigation of Bacon and lady Hatton inquires had been made into his conduct as judge, and during the recess a prosecution was commenced against him on a charge of misdemeanor under eleven heads. 2°. Sir Edwin Sands had uttered several bold and violent speeches during the last session, and to screen himself from the royal indignation, had obtained from the house before the adjournment, a declaration that he

June 1.

deterred Mansell from a second attempt. The pirates in the course of the year repaired their loss by the capture of thirty-five English merchantmen: and the whole kingdom rung with complaints of an expedition which served only to injure the trade, and to bring disgrace on the character of the nation. Cabala, 323. Rushworth, 38. Camden, 654. 658.

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had only done his duty and had never transgressed the bounds of decorum.[56] He was, however, arrested with Selden his legal adviser, examined on some secret charge before the council, and after a detention of a month, restored to liberty. Their friends did not conceal their suspicions. They represented Coke and Sands as martyrs in the cause of the people; and declaimed with bitterness against the mean and despotic vengeance of the court. The commons took up the question with extraordinary warmth. They ordered the accusers of Coke to be taken into custody by the sergeant at arms; appointed a committee to examine witnesses; and made an attempt to establish the fact of a conspiracy against him, originating in motives of hostility to his political conduct. Sands at the opening of the session was confined by sickness to his bed. But his case was soon brought forward by his friends; and though the secretary of state declared that his arrest had no connection with his behaviour in that house, two members were appointed to visit him, and to solicit from him a disclosure of the truth.[57]

Quarrel between the king and the commons.

While the commons remained in this temper of mind, it was easy to spur them on to a quarrel with the sovereign. They had evinced some disposition to grant the king a single sub-

[56] Journals, 636.

[57] Journals, 643, 644. 662.

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sidy, but resolved to present previously, and according to their custom, a petition against the pretended growth of popery. It asserted that the pope aspired to universal dominion in spirituals, the king of Spain in temporals; that to these two powers the English papists looked for the support of their religion; that their hopes had been elevated by the disasters of the Palatine, and the report of an intended marriage between the prince and the infanta of Spain; that they resorted in crowds to mass in the chapels of foreign ambassadors, sent their children to be educated in foreign parts, and were allowed to compound for their forfeitures on easy terms: whence it was to be feared that connivance would beget toleration, toleration would be followed by equality, and equality would soon be improved into ascendency. On these accounts the house prayed that the king would enter vigorously into the war in Germany, would order an expedition to be sent against some part of the Spanish territory, would marry his son to a protestant princess, would appoint a commission to put in force all laws made and to be made against papists, would recall the sons of noblemen and gentlemen from parts beyond the sea, would order all children, whose fathers and mothers were catholics, to be taken from their parents and brought up protestants, and would annul, if it could be done by law, all inadequate com-

positions hitherto made for the forfeitures of recusants. CHAP. III.

James furtively received a copy of this petition almost as soon as it was drawn. It threw him into a paroxysm of rage. To complain of the growth of popery was not uncommon: but to embody in it insinuations against the honour of his ally the king of Spain, to advise the invasion of the territories of a prince who had given no cause of offence, to dictate to their sovereign in what manner he was to dispose of the prince in marriage, were in his opinion, instances of presumption which had no precedent, invasions of his prerogative which demanded the most prompt and energetic resistance. He wrote immediately to the speaker, complaining of the influence possessed by certain "fiery, popular, and turbulent spirits" in the lower house, forbidding them to inquire into the mysteries of state, or to concern themselves about the marriage of his son, or to touch the character of any prince his friend or ally, or to intermeddle with causes which were submitted to the decision of the courts of law, or even to send to him their petition, if they wished him to hear or answer it. As for Sands, they should know that his public conduct was not the cause of his commitment: but at the same time should recollect that the crown possessed and would exercise, the right of punishing

Dec. 4.

CHAP. III.

the misbehaviour of the members both in and out of parliament.

Dissolution of parliament.

From the angry tone and menacing language of this letter, the popular leaders might have inferred, that not only the rights which they claimed, but their personal safety, were at stake. But they knew the weak and vacillating disposition of the king. If he were passionate, he was also timid: if prompt to threaten, yet slow to execute. In strong but respectful terms they presented to him a justification of their
Dec. 7. conduct: and James, instead of replying with
Dec. 14. the brevity and dignity of a sovereign, returned a long and laboured, though bitter and sarcastic answer. A war of petitions and remonstrances, messages and recriminations was commenced: one controversy begot another: the commons termed their claims the birthright of the nation, the king pronounced them favours conceded by the indulgence partly of his predecessors, and partly of himself. Yet, as had been foreseen, his warmth began to cool: he lowered the lofty tone which he had assumed: he even sought by a conciliatory message to waive every existing subject of debate. But his opponents were of a more unyielding character. That
Dec. 18. very day, the eve of the Christmas recess, they entered a protestation on their journals, that "the liberties and jurisdictions of parliament are the ancient and undoubted birthright "and inheritance of the subjects of England;

" that ardous and urgent affairs concerning the " king, the state and defence of the realm, and " the church of England, the making and main- " tenance of laws, and the redress of grievances, " are proper subjects of counsel and debate in " parliament: that in the handling of these " businesses every member hath and ought to " have freedom of speech: that the commons " in parliament have like liberty to treat of these " matters in such order as they think proper; " that every member hath like freedom from all " impeachment, imprisonment and molestation " (other than by the censure of the house itself) " concerning any bill, speaking, or reasoning " touching parliament matters; and that if any " be complained of for any thing said or done " in parliament, the same is to be shewed to the " king by assent of the commons, before the " king give credence to any private information." This measure revived the former jealousy and irritation in the breast of James. Sending for the journals, he tore out with his own hand the obnoxious protestation in the presence of his council, and a few days later dissolved the parliament.[58]

Dec. 30.

1622. Jan. 6.

[58] Rushworth, i. 40—56. Journals, 200. " The same day his Ma^tie " rode by coach to Theobalds to dinner, not intending, as the speech " is, to returne till towards Easter. After dinner, ryding on horse- " back abroad, his horse stumbled and cast his majestie into the New- " river, where the ice brake: he fell in, so that nothing but his boots " were seene: sir Richard Yong was next, who alighted, went into " the water, and lifted him out. There came much water out of his

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Punishment of the members.

Few of the popular leaders escaped the king's resentment. The earls of Oxford and Southampton from the upper house, and Coke, Philips, Pym, and Mallory, from the lower, were summoned before the council, and committed, some to the Tower, some to the Fleet, and others to the custody of private individuals. The cause of their committal, though manifest, was not avowed: and the pretended offences brought forward by the ministers showed that they dared not openly oppose the liberties, the exercise of which they laboured covertly to suppress. There were four other members of the commons, Diggs, Crew, Rich, and Perrot, equally obnoxious to the court, and equally marked out for vengeance. But their previous conduct defied the scrutiny of their adversaries; who, unable to charge them with any criminal offence, resolved to send them into exile under the pretext of an honourable employment. They received orders to proceed to Ireland, and were joined in a commission with certain persons resident in that kingdom, to inquire into the state of the army, the church, and places of public education; into abuses in the collection of the revenue; into illegal and injurious patents; and into the numerous frauds committed by the undertakers of the new plantations. It

"mouth and body. His Ma^tie rid back to Theobalds, went into a "warme bed, and, as we heare, is well, which God continue." Ellis, Original Letters, vol. iii. p. 117.

was in vain to remonstrate: they were told that the king had a right to employ the services of his subjects in any manner which he thought proper: and these men, however bold they had felt themselves in the company of their colleagues in parliament, dared not as private individuals engage in a contest against the crown. They submitted to their punishment, and Coke, to mollify the displeasure of his sovereign, offered to accompany them on their mission, and to aid them with his advice. The offer was refused: but he, as well as the other prisoners, regained his liberty after a short confinement, and a suitable submission.[59]

Treaty of marriage with Spain.

While James condemned as a sovereign the ambition of the Palatine, he felt as a parent for the misfortunes of his daughter and her children. Hitherto all his efforts in their favour had proved unsuccessful: the late quarrel with his parliament had added to his embarrassment, and he rested his last hope on the friendship and mediation of the king of Spain. Several years before he had sought to connect himself with France by soliciting the hand of the princess Christine for his eldest son Henry, and on the death of Henry, for his only surviving son Charles.[60] By the artifices of the French court the negociation was protracted through the

[59] Rushworth, i. 55.

[60] Henry died on the 6th of November: on the 9th Charles was offered to the princess in his place: so eager was James for the alliance, and so little did he appear to feel for the death of his son. Birch, 372.

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lapse of three years, and at last terminated in the absolute rejection of the terms proposed by James. The duke of Lerma, the Spanish minister, grasped the favourable moment to offer the infanta, Donna Maria, in lieu of Christine: though there is reason to believe that he had no intention to conclude the match, but threw out the project merely as a bait to allure the English king from his near connection with the French court. By James, however, the proposal was cheerfully entertained, under the idea that the riches of the father would supply a large portion with the princess, and his superior power would render him a more valuable ally. His views were eagerly seconded by Gondomar, the Spanish, and by Digby, afterwards earl of Bristol, the English ambassador; both of whom considered the accomplishment of the marriage as a certain pledge of their future greatness. By their exertions the chief difficulty, difference of religion, was apparently surmounted: twenty articles, securing to the princess the free exercise of the catholic worship in England, received the approbation of the two monarchs; and James was induced to promise the king of Spain that he would never more suffer catholic priests to be executed for the sole exercise of their functions, and that he would grant to the catholic recusants every indulgence in his power.[61] Though the nego-

1617.

1620. April 27.

[61] See the letter in Prynne's Hidden Works of Darkness, p. 8.

ciation was kept secret, its general tendency transpired; the clergy and the more zealous of their hearers maintained that religion was in danger from the restoration of popery; and that result was the petition of the commons, which provoked the dissolution of the parliament.

The late misfortunes of the Palatine added a new stimulus to the exertions of James, who saw in a family alliance with Spain, the only probable means of preserving the patrimonial dominions of his son-in-law. But his eagerness was most vexatiously checked by the proverbial tardiness of the Spanish cabinet, and by the reluctance of Philip to trust his daughter, a child only twelve years old, in a court where she might perhaps be seduced from the religion of her fathers. But Philip died: and the accession of his son, the fourth of the same name, revived the hopes of the British monarch. Both James and Charles wrote to the new king and his favourite Olivarez: Gondomar was persuaded to return to Spain: Digby, now earl of Bristol, followed to accelerate the negociation; and a favourable answer was returned, stating the earnest desire of Philip to conclude the marriage of his sister, and his willingness, at the request of James, to interpose his good offices in behalf of the Palatine.[62] March 14.

As a preparatory step, a dispensation was

[62] Rushworth, i. 56.

CHAP. III.

Indulgences granted to the catholics.

solicited from the pope by the Spanish king through the agency of his ambassador, the duke of Albuquerque, and of the Padre Maestro, a clergyman attached to the Spanish legation in England. It had been agreed that James should not appear in the negociation; but such was his impatience, that he dispatched George Gage, a catholic gentleman, to Rome, with letters to the pope, and the cardinals Ludovicio and Bandini, while his favourite, Buckingham, employed for the same purpose Bennet, a catholic priest and agent for the secular clergy.[63] To the request of these envoys the pontiff replied, that he could not dispense with the canons, unless it were for the benefit of the church; that though James had promised much to the late king of Spain, he had yet performed nothing; let him as he had offered, relieve the catholics from the pressure of the penal laws, and then a sufficient ground would be laid for the dispensation.[64]

1622. July 25. Aug. 12.

This suggestion was not lost on the English monarch. He ordered the lord keeper to issue, under the great seal, pardons for recusancy to all catholics who should apply for them

[63] See note (F).

[64] MS. letter from Bennet, in my possession. Prynne, p. 8. It appears from the Hardwicke papers, that during these negociations the king wrote two letters to different popes. The greatest secrecy was observed. Of their contents the only thing mentioned is a request, that the pontiff would withdraw the jesuits out of the British dominions. Hard. papers, i. 458.-469.

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in the course of five years, and instructed the judges to discharge from prison, during their circuits, every recusant able and willing to give security for his subsequent appearance. This indulgence awakened the fears of the zealots; and Williams, to silence their complaints alleged, 1°. that some modification of these severities had become necessary to satisfy the catholic princes, who threatened to enact against the protestants in their dominions laws similar to those under which the catholics groaned in England: 2°. that it was in reality a very trifling relief; for if the recusants were no longer in prison, "they had still the shackles about their "heels," and might be remanded at pleasure: and 3°. that it could create no danger to the protestant ascendency, as it did not extend to any prisoner confined for those religious acts, which the law had converted into capital offences. But, though his arguments might appease the protestants, they alarmed the catholics: a suspicion was provoked that James acted with his former duplicity; and if Gondomar boasted in Spain that four thousand catholics had been released from confinement, it was replied, that "they had still the shackles about their heels," and would enjoy their liberty no longer than might suit the royal convenience.[65]

Sept. 17.

While the king negociated for the Palatine,

Progress of the treaty.

[65] Dodd, ii. 439. Cabala, 293—295. Rushworth, i. 63. Prynne, 13, 14, 15.

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the enemies of that prince had taken the field. Heidelberg surrendered: Manheim was threatened; and there was every appearance that in the course of a few weeks the last remnant of his patrimony would be torn from him for ever. The news aroused the spirit of James, who complained that he had reason to expect a very different result from the interposition of the Spanish court; and ordered Bristol to return to England, unless he should receive a satisfactory answer within ten days.[66] But Philip was able to shew that the blame ought not to be imputed to him; he ordered his forces in the palatinate to co-operate with those of James; and the treaty of marriage proceeded rapidly towards its conclusion. The religious articles respecting the infanta, with several corrections made in Rome, were subscribed by James and his son; who, moreover, promised, on the word of a king and a prince, that the English catholics should no longer suffer persecution or restraint, provided they confined to private houses the exercise of their worship.[67] It was agreed that the dower of the princess should be fixed at 2,000,000 of

Oct. 3.

1623. Jan. 5.

[66] To this dispatch, however, was added a private note, forbidding Bristol to come away without additional orders, "though," says James, "publiquely and outwardly you give out the contrary, that "we may make use thereof with our people in parliament, as we "shall hold best for our service." Prynne, 20.

[67] These articles and corrections are published in the Mercure Francois, ix. 517. and in Dumont, Corps Diplomatique V. partie, ii. p. 432: but more correctly by Prynne, p. 4, where the first column

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ducats; that the espousals should be celebrated within forty days after the receipt of the dispensation; and that the departure of the princess, under the care of Don Duartre of Portugal, should follow in the course of three weeks. Even the two last points in debate, the time for the consummation of the marriage, which the Spaniards sought to delay for a few months, and the intervals between the several payments of the portion, which one party wished to prolong, the other to contract, were, after some dispute, amicably arranged; and Bristol and his coadjutor Aston, the resident ambassador, congratulated themselves that they had brought this long and difficult negociation to a successful issue.[68] March 2.

Journey of the prince to Spain.

It was at this moment that two strangers, calling themselves John and Thomas Smith, arrived in the dusk of the evening at the house of the earl of Bristol, in Madrid. They were the prince of Wales and the marquess of Buckingham, who had left England without the privity of any other person than the king, and had travelled in disguise, with three attendants, to the capital of Spain.[69] The project March 7.

contains the articles agreed upon by James and Philip III., the second the same, corrected by Gregory XV. See also Clarendon papers, i. 4—7.

[68] Hardwicke papers, 400. 404. 496—498. Prynne, 14—25. Clarendon papers, i. App. xxx.

[69] Sir Francis Cottington, Endymion Porter, and sir Richard Graham.

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of this extraordinary journey had originated with Gondomar, during his embassy in the preceding summer: its execution had been hastened by dispatches received from him in the preceding month. To the youthful mind of Charles it presented a romantic, and therefore welcome, adventure, far superior in point of gallantry to the celebrated voyage of his father in quest of Anne of Denmark: to Buckingham it promised something more than pleasure, the glory of completing a treaty which, for seven years, had held the nations in suspense, and the opportunity of establishing a powerful interest, not only in the heart of the prince, but also of his expected bride.[70]

Bristol received his distinguished guests with the respect due to their rank, but without any expression of surprise. From the conversation of Gondomar, he had previously collected sufficient to infer that such a journey was in contemplation; and, to prevent it, had recently dispatched a messenger, who passed the travellers in the vicinity of Bayonne.[71] But though

[70] Howell's Letters, tenth edition, p. 132. Ellis, Original Letters, iii. 134. The earl of Bristol asserted before the lords that the journey was planned between Buckingham and Gondomar, and that he would prove it to their conviction. Journals, 586. 640. Buckingham, however, told Gerbier, that it originated with himself. He hoped by it to procure the palatinate, or at least to bring the sincerity of the Spaniards to the test. D'Israeli, iii. 442. from Sloane MSS. 4181.

[71] The prince stopped him, and opened his dispatches, but being unable to decipher them, suffered him to proceed. Hardwicke papers, i. 403.

he assumed an air of satisfaction, he felt the keenest disappointment. Buckingham had interposed between him and the completion of his labours; and he foresaw that, if the arrogance and licentiousness of the favourite did not interrupt the treaty, his rapacity and ambition would reap all the benefit, and monopolize all the glory.

The king, the nobility, and the population of Madrid, seemed at a loss to testify their joy at this unexpected event. The prince was received with every complimentary honour, which Spanish ingenuity could devise: the prisons were thrown open; the disposal of favours was placed in his hands; he was made to take precedence to the king himself; and two keys of gold gave to him admission, at all hours, into the royal apartments.[72] His visit was considered not only as a proof of his reliance on Spanish honour, an earnest of his attachment to the Spanish princess, but also as a prelude to his conversion to the catholic faith. Such hopes had already been held out by Gondomar, and, there is reason to believe, not entirely without foundation. From the contradictory assertions of Buckingham and Bristol, who afterwards charged each other with having advised that measure, it may be difficult to elicit

[72] Ellis, iii. 142. James observes on this subject. "The newis of "youre gloriouse reception thaire, makes me afrayed that ye will "both miskenne your olde Dade hereafter." p. 139.

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the truth; but the two travellers, in the first letter which they dispatched to the king, to announce their arrival, requested to know how far he might be induced to acknowledge the authority of the pope. Whatever could be their object in putting this extraordinary question, it was marred by the resolute answer of James.[73] Still the prince hesitated not, in reply to a letter from the pontiff, to promise that he would abstain from every act of hostility to the Roman catholic religion, and would seek every opportunity of accomplishing a re-union between the two churches.[74]

Mar. 10.

Mar. 25.

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[73] If the pope will not grant the dispensation, then we would gladly have your directions how far we may engage you in the acknowledgment of the pope's special power: for we almost find, if you will be contented to acknowledge the pope chief head under Christ, the match will be made without him. Mar. 19. On the 25th James replies that he knows not what they mean by acknowledging the pope's spiritual supremacy. He is sure they would not have him renounce his religion for all the world. Perhaps they allude to a passage in his book, where he says, that if the pope would quit his godhead and usurping over kings, he would acknowledge him for chief bishop to whom all appeals of churchmen ought to lie en dernier resort. That is the furthest his conscience will permit him to go. He is not a monsieur, who can shift his religion as easily as he can shift his shirt when he cometh from tennis. Hard. papers, ii. 402. 411.

[74] "Ab omni demum actu temperabimus, qui aliquam præ se spe- "ciem ferat nos à Romanâ catholicâ religione abhorrere, sed omnes "potius captabimus occasiones, quo . . . in ecclesiam unam una- "nimiter coalescamus." Ibid. i. 453. "This letter," says lord Clarendon, "is by your favour more than a compliment:" and Urban viii. calls it, "literas testes suæ in Romanos pontifices voluntatis." Rushworth, i. 95.

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New negociation.

In England the sudden disappearance of the prince had excited surprise and alarm: the intelligence of his arrival in Spain, though celebrated at the royal command with bonfires and the ringing of bells, was received with strong expressions of disapprobation. But James remained faithful to his word. He refused to listen to those who condemned or remonstrated;[75] he forwarded to Charles officers, and chaplains, and jewels; and he raised Buckingham to the higher title of duke, that he might equal in rank the proudest grandee in the Spanish court. In addition (so blind was the confidence of the doating monarch), he assented to the request of the adventurers that their proceedings should be concealed from the knowledge of his council, and by a solemn promise in writing, engaged to ratify whatever they

[75] Among these was archbishop Abbot, whose letter proved the bitterness of his zeal as a divine, and the soundness of his principles as a statesmen. "By your act," he says to the king, "you labour "to set up that most damnable and heretical doctrine of the church of "Rome. . . . you shew yourself a patron of those doctrines which "your conscience tells yourself are superstitious, idolatrous, and de-"testable. Add to this what you have done in sending your son into "Spain without the consent of your council or the privity of your "people. Believe it, sir, howsoever his return may be safe, yet the "drawers of him to that action will not pass away unquestioned, un-"punished. Besides this toleration which you endeavour to set up "by proclamation, it cannot be done without a parliament, unless "your majesty will let your subjects see, that you will take to your-"self a liberty to throw down the laws of your land at pleasure." Prynne, 40. Rushworth, 85.

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might conclude with the Spanish minister.[76] Never did sovereign deceive himself more miserably. Baby Charles and the dog Steenie (such were the elegant appellations which they gave to themselves in their letters) proved unequal to the task they had assumed. Charles was imprudent, Buckingham resentful: instead of accomplishing the marriage, they dragged the unsuspecting king into a war: and his disappointment and vexation contributed not only to embitter, but to shorten, his days.

It was not without reluctance that Olivarez had agreed to the conditions proposed by Bristol and Aston. He knew that the clergy and nobility of Spain objected to the match: the king was still a minor in his twentieth year; and the whole responsibility of the measure rested on his own shoulders.[77] The arrival of the royal stranger suggested the hope of obtaining more favourable terms. His inexperience would render him less cautious, his ardour less stubborn: he had rashly placed himself at the mercy of the Spanish ministry; and must submit either to purchase his bride at any price, or to incur the disgrace of having passed the sea on a visionary and sleeveless errand.

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[76] Hardwicke papers, 410. 417. 419. Cabala, 129. Ellis, Original Letters, iii. 139.

[77] Hard. papers, i. 424. 426. Howell's letters, 124, 125. Lords' Journals, 226.

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In private conversation with Charles and Buckingham, Olivarez insinuated that the negociation with Bristol had been more for shew than reality: that now was the time to treat in good earnest, when every difficulty might be surmounted by the presence of the prince and the wisdom of his adviser.[78] The young men suffered themselves to be duped by the flattery and cunning of the Spaniard. In defiance of the remonstrances of the two ambassadors the discussion was reopened: the articles already agreed upon were reconsidered; and Olivarez was careful to supply new subjects of debate, while Buckingham looking on Bristol as a rival, rejected his advice, and treated him with scorn and neglect.

Delays of the Spaniards.

The dispensation had been granted, but it contained an additional clause, that, before the consummation of the marriage, the king of Spain should procure from the British monarch sufficient security for his performance of those promises, which he had made in favour of his catholic subjects. This opened a wide field for discussion and delay: every proposal was first debated between the parties, then carried before the council, and thence transmitted to a junta of divines, to whom, as the question concerned

[78] See in the Lords' Journals Buckingham's proofs that the Spaniards were insincere, and Bristol's proofs to the contrary. 221. 226. 663. It is plain that, if the former were conclusive, they refer chiefly to the negociation under Philip III.

the king's conscience, Olivarez contended that the decision properly belonged. 1°. The result was a public and private treaty.[79] The first, according to the former agreement, stipulated that the marriage should be celebrated in Spain, and afterwards ratified in England; that the children should remain till the age of ten years under the care of their mother; that the infanta and her servants should possess a church and chapel for the free exercise of their religion; and that her chaplains should be Spaniards, living under canonical obedience to their bishop. The private treaty contained four articles: that none of the penal laws for religion should be executed: that the catholic worship in private houses should be tolerated: that no attempt should be made to seduce the princess from the faith of her fathers; and that the king should exert all his influence to obtain the repeal of the penal statutes in parliament. Both James
July 20. and the lords of the council swore to the observance of the public treaty in the royal chapel at Westminster:[80] the king alone, to that of the secret treaty, in the house of the Spanish ambassador, and in the presence of four witnesses.[81]

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[79] Dumont, v. part ii. 440. Prynne, 40. Clarendon papers, i. App. xxiv.—xxviii.

[80] Archbishop Abbot, notwithstanding his letter, took the oath with his colleagues, a condescension which delighted the king: "now "I must tell you miracles: our great primate hath behaved himself "wonderfully well," &c. Hard. papers, i. 428.

[81] James previously protested that he did not mean to resign the

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Dissatisfaction of Buckingham.

The royal oath did not, however, give entire satisfaction. The conduct of James at a more early period had imprinted on his character the stigma of insincerity; and the doubts of Philip were nourished by the dispatches of his ambassadors.[82] He proposed that the marriage should be consummated in Spain, and that both the princess and the dower should remain there till the following spring, as a security that the promised indulgence should in the mean time be actually granted to the catholics. But by this time the patience of the prince was exhausted, and both interest and pride induced his companion to advise his return to England. 1°. Buckingham had learned that his real but secret enemies were more numerous than he had supposed.

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power of enforcing the laws against the catholics, if they should embroil the government; that he swore safely to the repeal of the laws, because he was sure that he could not effect it, and that he should not be bound by his oath, if the marriage did not take effect. Prynne, 47. Hardwicke papers, i. 428—430. Clarendon papers, i. 10. He would not have sworn at all, had he not promised to ratify every agreement made by Charles at Madrid. Ellis, Original Letters, ii. 154.

[82] For this there was some reason. When the ambassadors desired the king to issue a proclamation forbidding all persecution of catholics on the ground of conscience, he replied that a proclamation was but a suspension of the law, which might be made void by another proclamation, and did not bind a successor: he would rather grant them an immunity from all penalties for the time to come, and forbid the magistrates, judges, and bishops to put the laws in execution against them. But when this was intimated to the lord keeper, he refused to issue the prohibition as being a thing unprecedented in the kingdom. Hardwicke papers, i. 437. Cabala, 297. Rushworth, 101.

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His absence had emboldened them to whisper occasionally in the royal ear instances of his indiscretion and abuse of power, and the friends of Bristol were eager to paint in the most vivid colours the insults offered to that able minister by the arrogance and presumption of the favourite. He was aware of the easy and credulous disposition of his master; he knew not what impression might be made by the repeated charges of his enemies; and he began to listen to the entreaties of his dependents, who admonished him, as he tendered his own greatness, to hasten back to England, and to resume his former place near the person of his sovereign.[83] 2°. To prolong his stay at Madrid was become irksome to his feelings, perhaps dangerous to his safety. His frequent quarrels with Olivarez, though apparently suppressed at the command of Philip and Charles, had created a deadly enmity between the two favourites: the levity of his manners, the publicity of his amours, and his unbecoming familiarity with the prince, daily shocked the gravity of the Spaniards; and the king himself had said, or was reported to have said, that his sister never could be happy as a wife, if so violent and unprincipled a man

[83] See a letter in Cabala, 128. "My lord of Bristol hath a great "and more powerful party in court than you imagine; insomuch that "I am confident, were the king a neuter, he would prevail." Ibid. 129. Laud was very active in his correspondence with the duke, informing him of the cabals against him. Heylin, 105. 113.

continued to enjoy the confidence of her husband. The duke knew that he had forfeited the esteem of the Spanish court: and resentment on the one hand, interest on the other, led him at last to oppose that match, which it had hitherto been his great object to effect.[84]

A new cause of delay had arisen from the unexpected death of Gregory XV. As no use had been made of the dispensation granted by that pontiff, it was held necessary to procure another from his successor. In the mean while an additional treaty was signed, by which the prince engaged to marry the infanta at Madrid, on the arrival of the answer from Rome, the king to send her to England on the first day of the following month of March.[85] Charles, however, had no intention to be bound by this agreement; he assured his father that he would never consent to any ceremony of marriage, unless with the assurance that his wife should accompany him home, and to further his pro-

July 14.

July 26.

July 29.

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[84] "The truth is that this king and his ministers are grown to have "a great dislike against my lord duke of Buckingham,—they judge "him to have so much power with your majesty and the prince, to be "so ill affected to them and their affairs . . . unless you find some "means of reconciliation, or let them see that it shall not be in his "power to make the infanta's life less happy," &c. Bristol to the king, Hard. papers, i. 477. also 479. Cabala, ii. 98, 99. 271. 276. 308. 358. Howell's letters, 138. Journals, 224.

[85] In consequence of this agreement a public bull fight, and a most gorgeous jeugo de cannas, in which the king, his brothers, and nobles, displayed all their magnificence, was exhibited at Madrid. See the description in Somers' Tracts, ii. 532—540.

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ject he requested a royal order for his immediate return. Its arrival rendered a new arrangement necessary. It was stipulated that the espousals should take place before the feast of Christmas; that at the ceremony the prince should be represented by Philip or his brother Don Carlos, and that a procuration with full powers to that effect should be deposited with the earl of Bristol, and be delivered by that minister to the king within ten days after the receipt of the papal answer. These articles were reciprocally confirmed by oath: the infanta assumed the title of princess of England, and a court was formed for her corresponding to her new dignity. Philip and Charles parted from each other as brothers, with professions of the warmest attachment; their favourites, with the open avowal of their enmity. "To the "king, the queen, and the princess," said Buckingham, addressing Olivarez, "I shall always "prove myself an humble servant, to you never." "I am honoured by the compliment," was the reply of the Castilian.[86]

Aug. 22.

Aug. 29.

Artifice to break off the match.

Notwithstanding these oaths and appearances, the projected marriage was already broken off in the determination of Buckingham, probably in that of Charles. From Segovia, Clerk, a dependent of the favourite, returned

[86] Somers' Tracts, ii. 545. Hard. papers, i. 432—436. 476. 479. 489. Cabala, 358. Rushworth, 103. Prynne, 49. Clarendon papers, i. App. xxv.—xxix.

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to Madrid, and under the pretext of sickness was received into the house of the earl of Bristol. His unexpected appearance excited surprise :[87] but he suffered not his real purpose to transpire, till, deceived by an ambiguous expression of his host, he persuaded himself that the papal rescript had been received. Immediately he put into the hands of Bristol a letter from the prince, forbidding him to deliver the procuration to the king, till security had been obtained that the infanta would not, after the marriage contract, retire into a convent. That there was any ground for such a suspicion we are not told : but the real object of the letter was to prevent that marriage, to which Charles had bound himself by his oath. The mistake of Clerk afforded time to Bristol to defeat the artifice. He demand an audience of the king, obtained from him every security that could be wished, and sent by express the unwelcome intelligence to the British court.[88]

The failure of this expedient suggested a second. James, at the persuasion of Bucking-

[87] "He is one of the D. of Buckingham's creatures, yet he lies at "the E. of Bristol's house . . . We fear that this Clerk has brought "something to puzzle the business." Howell's letters, 148. Hard. papers. i. 481. Lords' Journals, 643. Cabala, 107. 216.

[88] Hardwicke papers, i. 481. "The countess of Olivarez broke it "to the infanta, who seemed to make herself very merry that any "such doubt should be made: and said she must confess she never "in all her life had any mind to be a nun, and hardly thought she "should be one now, only to avoid the prince of Wales." Clarendon papers, i, App. xix.

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ham, commanded Bristol to deliver the procuration at Christmas, "that holy and joyful time "best fitting so notable and blessed an action as
Oct. 8. "the marriage." The earl saw that the credulity
Oct. 29. of his sovereign had been deceived; and informed him by express that the powers conferred by the deed would then have expired; that to present it only when it had ceased to be in force, would be to add insult to bad faith; that the papal approbation was already signed at Rome; and that unless he should receive orders to the contrary, he should deem himself bound by the treaty and by his oath to deliver the proxy at the requisition of the king of Spain.
Nov. 12. In the course of a fortnight the dispensation arrived at Madrid: Philip appointed the 29th of November for the espousals—the 9th of the next month for the marriage: the Spanish nobility received invitations to attend; a platform covered with tapestry was erected from the palace to the church; and orders for public rejoicings were dispatched to the principal towns and cities. It wanted but four days to the appointed time, when three couriers, pressing on the heels of each other, reached Madrid: and from them Bristol received a prohibition to deliver the proxy, an order to prepare for his return to England, and instructions to inform Philip, that James was willing to proceed to the marriage, whenever he should pledge himself under his own hand to take up arms in de-

fence of the Palatine, and fix a day when his mediation should cease and hostilities begin. The feelings of the Spanish monarch were hurt. He replied that such a demand at such a moment was dishonourable both to himself and his sister. The treaty had been signed, the oaths taken. Let the king and the prince fulfil their obligations—he would faithfully perform his promises. The preparations for the marriage were immediately countermanded; the infanta resigned with tears her short-lived title of princess of England; and Charles and Buckingham triumphed in the victory which they had obtained over Bristol, and the wound which they had inflicted on the pride of Spain.[89]

Recal of Bristol.

A short time previously to their departure they had received powers to treat respecting the Palatinate: but Philip had interrupted the discussion by saying that in contemplation of the marriage he would give the king of England a blank paper, and would assent to any conditions which *he* might prescribe. Now when his anger was cooled, he listened to the representations of Bristol, and though he refused, as indecorous, to declare war against his nephew the emperor, before he received an

Dec. 26.

[89] Hard. papers, 485—490. 411. 422. Clarendon papers. i. 13. Cabala, 3. 100. 107. 263. Prynne, 55—61. Lords' Journals, 643. See the attempt of Charles to justify himself, though the instrument contained a clause disabling him from revoking the procuration. Journals, 228.

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answer to his mediation, he pledged himself in writing never to cease from the pursuit, till he had procured by arms or negociation the restitution of the Palatine's hereditary dominions. The ambassadors deemed this assurance satisfactory; but nothing could satisfy men who had already determined to kindle a war between the two crowns.

If Buckingham hated, he also feared, the earl of Bristol. He had seen the representation of his conduct, which that minister, in defiance of the prohibition of Charles, had sent to the king; and was aware that the presence of so able an adversary might shake his authority, and disconcert the plans which he had formed. Bristol received an order to discontinue his services in the Spanish court, but to take his leisure on his way back to England. Philip warned him of the dangers which menaced him at home, and offered to make for him the most ample provision, if he chose to remain on the continent: but the earl replied that he would rather lose his head with a clear conscience in England, than live under the imputation of treason a duke of Infantado in Spain. He hastened his return, but on his landing received an order to repair to his house in the country, and to consider himself a prisoner. All his entreaties were fruitless. James, though he wished it, never found the opportunity of hearing him, and the disgraced minister was

not suffered either to visit the court, or to take his seat in parliament during the remainder of this reign.[90]

From a careful review of all the proceedings connected with the Spanish match, it may be fairly inferred, 1°. that, had the treaty been left to the address and perseverance of the earl of Bristol, it would have been brought to the conclusion which James so earnestly desired: 2°. that the Spanish council had ministered ample cause of offence to the young prince by their vexatious delays, and their attempts to take advantage of his presence: 3°. that he, nevertheless, entered spontaneously into solemn engagements, from which he could not afterwards recede without the breach of his word: 4°. and that, in order to vindicate his conduct in the eyes of the English public, he was compelled to employ misrepresentation and falsehood. But the great misfortune was the baneful influence which such proceedings had upon his character. He was taught to intrigue, to dissemble, to deceive. His subjects, soon after he mounted the throne, discovered the insincerity of their prince: they lost all confidence in his professions; and to this distrust may in a great measure be ascribed the civil war which ensued, and the evils which befel both the nation and the sovereign.

[90] Cabala, 45. 127, 128. Lords' Journals, 586. Buckingham attempted to have him sent to the Tower: but the duke of Richmond and the earl of Pembroke opposed it. Ibid. 587.

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Regret of James.

James had received the knights errant, so he called them, with congratulations on their safe return, but observed with grief the alteration which had taken place in their sentiments. He shut himself up in solitude at Newmarket, abstained from his favourite amusements of hunting and hawking, and refused to accept the usual compliments of the courtiers on the first and fifth of November. Nothing could persuade him that hostility with Spain would procure the restoration of the Palatinate: and under this impression he proposed to Frederic a new arrangement, that he should make his submission to the emperor; should marry his eldest son, who was to be educated in the English court, to the daughter of that prince: should receive in quality of tutor or administrator possession of his former dominions, and should be content to leave the dignity of elector to the duke of Bavaria for life, on condition that it should afterwards revert to himself and his heirs. Of the consent of Frederic and Philip the king entertained no doubt: but the Palatine, encouraged by the known sentiments of Charles and his adviser, returned an absolute refusal.[91]

Dec. 20.

During the holidays at Christmas James required the opinion of his privy council on the two following questions: had the king

[91] Cabala, 192. 266—269.

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of Spain acted insincerely in the late treaty, or had he given sufficient provocation to justify a war? To both a negative answer was returned, to the first by all, to the second by a majority of those present. Buckingham did not conceal his dissatisfaction; to Williams, the lord keeper, and Cranfield, the lord treasurer, he held out menaces of vengeance. It was not that they had distinguished themselves by the violence of their hostility, but he had been accustomed to consider them as his creatures, and had hitherto found them obsequious to his will. They were, however, men who had no other conscience than interest. During his absence in Spain they began to doubt the permanence of his power, and from that time their fidelity had fluctuated with the contradictory reports of the court. One day they ventured to oppose his views, the next they sought a reconciliation with tears and entreaties.[92]

Parliament called.

The king had cherished the hope of relieving his pecuniary embarrassments from the portion of the Infanta: the failure of this resource compelled him to summon a parliament. In respect of Buckingham it might appear a hazardous experiment; but his late opposition

[92] Hacket, i. 165—169. Cabala 274. See a whining letter from Williams, excusing his past conduct, and begging the duke to receive his soul in gage and pawn. Feb. 2. 1624. Cabala, 298. It is dated Feb. 2. On the sixth day they were reconciled; on the day before the opening of parliament, Williams made this submission to Buckingham. Laud's Diary, 10.

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to the match had atoned in the eyes of its adversaries for his temerity in conducting the prince into Spain: and through the agency of Preston, a puritan minister and chaplain to the prince, he had formed a coalition with his former enemies of the country party. Several private conferences were held between him and the earl of Southampton, the lords Say and Sele, and other leaders of the opposition in both houses; former injuries were reciprocally forgiven: the duke secured impunity to himself by surrendering his faithless dependents to the vengeance of his new friends; and it was agreed that a plentiful supply should be granted to the king, on condition that he put an end to the treaty, and declared war against Philip of Spain.[93]

The reader will have formerly observed that in ancient times the commons entertained the most humble notions of their duties and abilities. They presumed not to pry with unhallowed gaze into the mysteries of state: and if their advice was occasionally asked by an indigent monarch, they uniformly replied that such

[93] Ibid. 170. This was in conformity with the advice given him by Bacon, to seek friends by condescension, to remember that "a "good bowler has almost the knee on the ground." Bacon, vi. 362. The calling of parliament was taken as a proof of Buckingham's power. "Now there is an end to saying the match must break or "his fortune break: he ran with the stream of the king's ways: now "that he goeth cross-ways, he may soon lose his own way." Ibid. 363.

matters were far above their capacity. But time had levelled many of the distinctions which had formerly marked society; with the diffusion of education political knowledge had also been diffused; and, as the commons could no longer be guided by the nod of the sovereign, it became necessary to coax them by flattering their pride and admitting their importance. It was however with the greatest reluctance that James submitted to the advice of his son and favourite, and consented to divide with parliament what he deemed the chief prerogative of the crown. But worn out by their prayers and remonstrances, he allowed them to lay the state of the negociation with Spain before the two houses, that after mature deliberation the lords and commons might give him their united advice.

Address to break off the match. 1624. Feb. 19.

He opened the parliament in a more humble tone than he had been accustomed to assume. Remembering former misunderstandings, he had brought with him, he said, an earnest desire to do his duty, and to manifest his love for his people. He had been long engaged in treaties; he had sent his son with the man whom he most trusted into Spain, to discover the true intent of that court; he had received proposals from it since their return: all that had passed should be submitted to their consideration, and he should entreat their good and sound advice, *super totam materiam*. One thing he

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must not forget. Let them judge him charitably as they would wish to be judged. In every public and private treaty, he had always made a reservation for the cause of religion; sometimes, indeed, he had thought proper to connive at the less rigorous execution of the penal statutes; but to dispense with any, to forbid or alter any that concerned religion, he exclaimed, "I never promised or yielded—I never thought "it with my heart, nor spoke it with my "mouth."[94] In conclusion, he bade them to beware of jealousy, to remember that time was precious, and to avoid all impertinent and irritating enquiries.[95]

Within a few days, a general conference was held between the two houses. Before them
Feb. 24. Buckingham delivered a long and specious narrative of the proceedings with Spain. The prince (so early was he initiated in the art of deception) stood by him to aid his memory, and to vouch for his accuracy; and the two secretaries attended to read a few garbled extracts from dispatches which tended to support his statement.[96] The only man who could have

[94] Was he not perjured then, when he swore on the 20th of July, "quod nulla lex particularis contra catholicos Romanos lata, nec non "leges generales sub quibus omnes ex æquo comprehenduntur, modo "ejusmodi sint, quæ religioni Romanæ repugnant, ullo unquam "tempore, ullo omnino modo aut casu, directe vel indirecte, quoad "dictos catholicos Romanos executioni mandabitur." Prynne, 44. Hard. papers, i. 428. 430.

[95] Lords' Journals, 209.

[96] His highness the prince, says the lord keeper, upon very deep

exposed the fallacy, the earl of Bristol, was absent, and condemned to silence; but the Spanish ambassadors protested against the speech of the duke, as injurious to their sovereign, and asserted that, had one of their countrymen spoken in the same manner of the king of England in Spain, he would have paid with his head the forfeit of his insolence. The two houses, however, defended the conduct of Buckingham; declared that his words regarded the Feb. 27. acts of the Spanish ministers, not of the king; and in an address to the throne, pronounced March 5. their opinion, that the two treaties for the marriage and the restoration of the Palatinate could not be continued with honour or safety.[97]

James shuddered at the prospect which opened before him, but had not the spirit to oppose the precipitate councils of his son and his favourite. After some faint and ineffectual struggles, he submitted to his fate, and suffered himself to be borne along with the current. In answer to the address, he observed, that March 8. there were two points for consideration,—one, whether he could with honour and conscience engage in war, and that regarded himself exclu-

reasons, doubts whether it be safe to put all upon the parliament, for fear they should fall to examine particular dispatches, wherein they cannot but find many contradictions. He wishes to draw on a breach with Spain with(out) ripping up of private dispatches. Cabala, 299. The dispatches in the Hardwicke papers shew the prudence of this counsel.

[97] Lords' Journals, 220—247.

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sively: the other, whether he possessed the means of prosecuting it with vigour, which depended upon them. His debts were enormous, his exchequer empty, his allies impoverished, and the repairs of the navy, the charge of the army, and the defence of Ireland, would each require considerable sums. However, if they should vote him money, no part of it, he assured them, should find its way into the royal coffers, but the whole be appropriated to the purposes of the war by commissioners elected by themselves.[98]

Vote of money.

This speech called forth a second address, in which both lords and commons offered, in general terms, to support him with their persons

March 12.

and fortunes. To present it was the lot of the archbishop of Canterbury,—a welcome task to one who, but six months before, had, with a trembling hand and heavy heart, sworn to the religious articles of the Spanish treaty. But

March 17.

when he congratulated James on "his having "become sensible of the insincerity of the Spa- "niards." "Hold," exclaimed the monarch, "you insinuate what I have never spoken. "Give me leave to tell you, that I have not ex- "pressed myself to be either sensible or insen- "sible of their good or bad dealing. Bucking- "ham hath made you a relation on which you "are to judge; but I never yet declared my "mind upon it."[99]

[98] Lords' Journals, 250. [99] Ibid. 259. 261. 265.

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The king, in conclusion, required a present aid of £700,000 to begin the war, and an annual supply of £150,000 towards the liquidation of his debts. The amount shook the resolution of the commons, but the prince and the duke assured them that a smaller sum would be accepted, and they voted £300,000, to be raised within the course of twelve months. This vote was coupled with another address in vindication of Buckingham, against the complaints of the Spanish ambassadors, and was followed by a royal proclamation announcing that both the treaties with Spain were at an end.[100]

March 22.

March 24.

Proceedings against catholics. April 23.

The proceedings after the Easter recess may be arranged under three heads.—1°. A joint petition was presented to the king, praying him to enforce the penal statutes against catholic priests and recusants.[101] James once more called God to witness that he never intended

[100] Ibid. 275, 278, 282. Journals of Commons, 770. The earl of Rutland, to the general surprise, voted against the grant of money for the war. Compare Laud's Diary, March 22, with the Journals, 273.

[101] The constitutional reader should be told, that the commons had resolved to petition the king for a proclamation, ordering the due execution of the laws against recusants: but the lords objected to it, "lest posterity should hereafter deem that the execution of the "laws were slackened by proclamation," Journals, 297. The petition proposed by the commons was in the language of James "a stinging one:" but he had sufficient influence with the lords to procure the substitution of another more moderate. See Rushworth, i. 140.

CHAP. VII.

to dispense with those laws, and promised that he would never permit, in any treaty whatsoever, the insertion of any clause importing indulgence or toleration to the catholics.[102] A proclamation was issued, commanding all missionaries to leave the kingdom against a certain day, under the penalty of death. The judges and magistrates received orders to put in execution the laws as in former times: the lord mayor was admonished to arrest all persons coming from mass in the houses of the foreign ambassadors; and James asked the advice of the bishops and his council respecting the most eligible means of educating the children of catholics in the reformed doctrines.[103] But the commons were not satisfied. Every member was called upon to state the names of all persons holding office in his county, and known or suspected to be catholics. The list, after several erasures and alterations, received the approbation of the house, and a petition for the immediate removal of these persons from their situations was unanimously voted. But the lords, when it was sent up to them, returned for answer, that it was the custom of their house to receive evidence upon oath, and to hear the

[102] On this occasion Charles also professed, and bound himself with an oath, "that whensoever it should please God to bestow upon "him any lady that were popish, she should have no further liberty "but for her own family, and no advantage to the recusants at home." Journals of Commons, 756.

[103] Lords' Journals, 317.

parties accused; that to concur in the petition, would be to judge and condemn without sufficient proof; and therefore it was thought better that the prince should communicate it privately to the king, as a matter of state which deserved his most serious attention. In this they acquiesced; the petition was read to James and then forgotten.[104]

Grievances.

2°. The commons revived their committee of grievances, and all persons holding patents from the crown received orders to send them in for inspection. After a long and tedious scrutiny, some were returned as innocuous, several were pronounced illegal, and the remainder was reserved for examination in the subsequent session. When they presented their grievances, eleven in number, to the king, he begged in return to present his grievances to them:—They had encroached on his ecclesiastical authority, they had condemned patents of undoubted utility, and in all their inquiries they had suffered themselves to be directed by the lawyers, who, he would say it to their faces, of all the people in the kingdom, were the greatest

[104] Lords' Journals 397. Journals of Commons, 754. 776. 788. 792. This list was divided into two parts: the first contained the names "of popish recusants or non-communicants, that had given overt suspicion "of their ill affection in religion, or that were reported or suspected "to be so;" it contained 33 names: the other of those "that had "wives, children, or servants, that were recusants or non-communicants, or suspected or reported to be so," the names were thirty-six. See them in the Journals, 394.

CHAP. II.

grievance to his subjects; for where the case was good to neither of the litigants, they took care that it should prove beneficial to themselves.[105]

Prosecution of the earl of Middlesex.

3°. The leaders of the country party hastened to avail themselves of their compromise with Buckingham, and began with the prosecution of Cranfield, earl of Middlesex, lord treasurer and master of the court of wards. The reader will recollect that the treasurer was one of the two whom the favourite had threatened with his vengeance. James wished, but had not the courage, to save him. He admonished Buckingham to beware how he put into the hands of the commons a weapon which they might one day wield against himself;[106] he wrote to the lower house that the earl of Middlesex, instead of advising, as they supposed, the dissolution of the last parliament, had on his knees begged for its continuance;[107] and he reminded the lords that the treasurer held an office, in which he could not be faithful to his prince without creating enemies to himself: that in many things he had no will of his own, but was merely the minister of the royal pleasure; and that amidst a multiplicity of business it was

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[105] Cobbett's Parl. Hist. i. 1503.

[106] "The king told the duke that he was a fool, and was making a "rod for his own breech, and the prince that he would live to have "his belly full of impeachments." Clarendon, i. 23.

[107] Journals of Commons, 768.

very possible for the most upright mind to commit error, through want of information or fallibility of judgment. But the influence of Buckingham was irresistible. Petitions were presented against Middlesex, and the commons impeached him before the lords of bribery, oppression, and neglect of duty. On his trial he maintained his innocence, repelled the charges with spirit, and loudly complained of the inequality between his prosecutors and himself. They had been allowed three weeks to prepare the charge, he but three days to prepare his defence: they relieved each other in turn; he was compelled, day after day, to stand for eight hours at the bar till his strength was totally exhausted: they had the aid of the most experienced lawyers; he was left to himself without the benefit of counsel. By many he was believed innocent: the lords acquitted him on two, but pronounced him guilty on four of the charges, and he was condemned to pay a fine of £50,000, to be imprisoned during pleasure, and to be for ever excluded from parliament and from the verge of the court. However, his complaint of hardship, though useless to himself, proved serviceable to others. The lords, aware that they might hereafter stand in his place, ordered, that in all subsequent impeachments, the accused should be furnished with copies of the depositions in his favour and against him, and

April 16.

May 13.

May 28.

CHAP. III.

that, at his demand, he should be allowed the aid of counsel learned in the law.[108]

The other great officer who had been threatened, was the bishop of Lincoln, lord keeper; but the petitions against him were suffered to lie dormant till the end of the session, when the committee reported to the house, that of those which had been examined, some were groundless, and the others furnished no matter for a criminal charge. He owed, however, his safety to his own prudence and humility. Of a less unbending disposition than Cranfield, he was no sooner aware of the danger, than he sought a reconciliation with the duke, solicited the intercession of the prince, made his submission in person, and received this cold yet consolatory answer, "I will not seek your ruin, though "I shall cease to study your fortune." This was at the commencement of parliament: during its continuance chance threw in his way the opportunity of doing a service to Buckingham, which called for the gratitude, though it did not restore the affections of the offended patron.

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[108] Lords' Journals, 307—383. 418. The king had ordered sir Richard Weston to present to him any petition from the earl. On the 29th of May that nobleman gave Weston a petition for his enlargement: but he dared not present it till he had received instructions from Buckingham. See his letter in Cabala, 403. He next solicited the remission of the fine; it was lowered to £30,000. So small a reduction surprised him, (ibid. 404.) He paid, however, £20,000, and the rest was forgiven. Depéches de D'Effiat apud Carte, 132.

CHAP. III.

Intrigue against Buckingham.

For three months the Spanish ambassadors, the marquess Ynoiosa and Don Carlos Coloma, had sought a private audience of the king, but were never permitted to see him unless in the company of the prince and Buckingham. At length Coloma contrived to withdraw their attention, while Ynoiosa placed a note in the hands of James, who immediately secreted it in his pocket. The consequence was, that the same evening the earl of Kelly clandestinely conducted to the royal apartment Carendolet, the secretary of the legation, who stated to the king in the name of the ambassadors, that he was a prisoner in his own palace, surrounded by spies and informers; that none of his servants dared to execute his orders or to give him their advice without the previous approbation of Buckingham; and that the kingdom was no longer governed by its sovereign, but by a man who, to gratify his own revenge, sought to draw his benefactor into an unjust and impolitic war. It happened that at this time the bishop of Lincoln kept in his pay the mistress of Carendolet. From her he heard of the furtive interview between her lover and James, and immediately transmitted the information to the prince.[109]

April 21.

[109] Buckingham thus expresses his discontent to James: "In "obedience to your commands, I will tell the house of parliament, "that you have taken such a fierce rheum and cough, as not know- "ing how you will be this night, you are not yet able to appoint

CHAP. III.

April 24.

Three evenings later Carendolet waited a second time on the king with a written statement, that Buckingham concerted all his proceedings with the earls of Oxford and Southampton, and those members of the commons who had been punished for their insolence at the conclusion of the last parliament; that for this purpose he was in the habit of meeting them at suppers and ordinaries where he revealed to them the secrets of state, the king's private oath, and the important negociation respecting Holland;[110] that it had been their joint determination, if James should oppose their designs, to confine him in a house in the country, and to conduct the government under the name of the prince as regent; and that the duke, with the hope of drawing the succession to the crown into his own family, proposed to marry his daughter to the eldest son of the Palatine, whose wife was next heir after Charles. James frequently interrupted him with broken sentences. There was, he owned, something suspicious in the conduct of the duke; yet no one had hitherto

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"them a day of hearing; but I will forbear to tell them that, not-
"withstanding of your cold, you were able to speak with the king
"of Spain's instruments, though not with your own subjects." Hardwicke papers, i. 460. The hearing to which he alludes was granted the next day. the 23d. Lords' Journals, 317.

[110] It is plain that in contemplation of the Spanish match, James had made to Philip, through Buckingham, a proposal respecting Holland, which he was most anxious to conceal from the public. Hard. papers, i. 405. 428.

brought any charge against that nobleman, nor could he believe that either his son or his favourite sought to do him harm, or had sufficient power to resist his authority. His son, he said, had been formerly attached to Spain, but was now "strangely carried away "by rash and youthful conceits, following "the humour of Buckingham, who had he "knew not how many devils in him since his "return." The communication, however, made a deep impression on his mind. In the morning he appeared pensive and melancholy; though he took Charles with him in his carriage, he refused to admit the duke, and soon afterwards bursting into tears, he lamented that in his old age he was deserted by those on whom he had fixed his fondest affections.[111]

Defeated by Williams.

By whose agency these feelings had been excited in the king was sufficiently known; but to unravel the plot, to discover the particulars of the intrigue, was reserved for the policy of Williams, "who felt himself panged like a woman in "travail, till he should know the truth." To procure an interview with Carendolet, he ordered the arrest of a catholic priest, the intimate acquaintance of the Spaniard, who immediately came to intercede for his friend, and looking on

[111] See Cabala, 276. Buckingham told the archbishop of Embrun, that the proposal of marriage came from the Palatine, and that the king was not averse. It was plain that Boukinkan y penchoit fort. Relation d'Embrun, 364.

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April 27. the lord keeper as one whose safety depended on the ruin of Buckingham, solicited his aid in support of the project. At such a moment it was not difficult for Williams to worm the whole secret out of Carendolet. He transmitted the information to the prince, gave it as his advice, that he or the duke should never lose sight of the king, and added a written memorial in which he had carefully answered each of the charges advanced by the Spaniards.

The perusal of this paper, aided as it was by the remarks of Charles, shook, though it did not entirely remove, the suspicions of James. The

May 2. next Sunday he entered the council chamber with a bible in his hand, swore all present to speak the truth, and commanded them to answer certain questions which he had prepared relative to the supposed designs of the duke.[112] They all assumed an air of surprise, and pleaded ignorance. Buckingham complained of the insult offered to his loyalty: but such was the agitation of his mind, that he fell into a fever, and was confined a fortnight to his chamber. The king pitied him, required the ambassadors to produce the names of their informers, and took their refusal for a complete justification of his favourite. Ynoiosa, however, assumed a

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[112] On this subject Charles wrote to Buckingham, advising him to acquiesce in the king's design of interrogating the counsellors on oath. Hardwicke papers, 456.

bolder tone, he demanded an audience of the king; and when he was told that he must explain his mind to the ministers, asked for a ship to leave the kingdom. James was anxious to see him, but Charles and Buckingham objected: he departed without the usual presents, and on his arrival in Spain, found that an accusation had already been lodged against him by the English ambassador.[113] In his justification he maintained, that Carendolet had advanced nothing by his orders but what was true; that no credit ought to be given to those counsellors who pretended ignorance, because they were accomplices; and that he could mention several officers about the court both able and willing to prove the guilt of Buckingham, were they not silenced by the fear of his vengeance and the pusillanimity of the king. By the influence of his cousin Olivarez, he was restored, after a restraint of a few days, to the favour of his sovereign.[114]

June 18.

August 5.

The visible reluctance with which James had assented to the proceedings in the two houses, provoked a general suspicion that the duke

Preparations for war.

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[113] "So as to the great joy and exultation of all the coblers and "other bigots and zealous brethren of this town, he this day comes "to Ely house, and to-morrow to Dover." Strafford papers, fol. edition, i. 21.

[114] For this singular transaction, compare Hacket's Narrative, i. 195—197, with the letters in the Cabala, 13. 300. 348. and the dispatches of Velarezzo, the Venetian ambassador, quoted by Carte, iv. 117.

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held his power by a very precarious tenure.[115] Secure, however, of the support of the prince, and confiding in their united influence over the easy mind of the king, he despised the intrigues, and laughed at the predictions of his enemies. One of his chief objects after the rising of parliament, was to provide for the recovery of the Palatinate. Ambassadors hastened from England to one half of the courts in Europe, and arguments, promises, and presents were employed to raise up enemies against the house of Austria. 1°. The long truce between Spain and the states had expired: war was already kindled in the Netherlands; and Buckingham seized the opportunity to conclude a defensive, but not offensive league, between the king of Great Britain and the seven united provinces. It was stipulated that in the case of foreign invasion, each of the contracting parties should be bound to aid the other, the king with an army of six, the states with one of 4000 men; and that at the conclusion of the war the expenses of the auxiliary force should be defrayed by that power which had enjoyed the benefit of its services. The news had just arrived of the massacre of the English factory at Amboyna, and the nation resounded with complaints against the avarice and the inhumanity of the Dutch; but, on the

[115] Strafford papers, i. 20.

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other hand, the Spaniards had already formed the siege of Breda, and Charles and Buckingham longed to engage in hostilities with Spain. The cry of vengeance was therefore suppressed, the treaty signed, and the aid of 6,000 men immediately furnished.[116] June 5.

2°. To the kings of Sweden and Denmark, and the protestant powers in Germany, the English envoys submitted the plan of a crusade for the depression of the catholic power in the empire. They made a strong appeal to the religion and the interest of these princes: and there were few who refused, on the promise of a liberal subsidy, to subscribe to the holy alliance. 3°. Though the catholic states of France, Venice, and Savoy deemed it dishonourable to enter publicly into a protestant league against the professors of the same faith with themselves, their enmity to the house of Austria led them to contribute towards its success: and they privately engaged to distract, by the demonstration of hostilities, the attention of Spain, to furnish money towards the support of the army of the Palatine, and to

[116] Clarendon papers, i. 21—25. Dumont, 458. The king of France aided them at the same time with money, 1,200,000 livres for the first, one million for the second, and the same sum for the third year, to be repaid in equal portions between the third and ninth year after the peace. Louis asked in return, that his subjects in Holland should have the free exercise of their religion. It was granted only within the house of his ambassador, and on the condition that no natives were present. Ibid. 463.

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allow auxiliary forces to be levied as volunteers in their own dominions. 4°. Count Mansfield, a celebrated adventurer, and the chief prop of Frederic's declining fortune, came to England. June 10. Towards the payment of his army, he obtained a promise of £20,000 per month; and as a reinforcement to his French and German mercenaries, 12,000 Englishmen were pressed into the service, and placed under his command. From Dover, where their excesses could be checked only by summary executions, these recruits sailed to Calais, and thence to the island of Zealand. But the crowded states of the transports, the inclemency of the season, and the want of provisions and accommodations on shore, generated a contagious disease, which carried off 5000 men in the course of a few weeks: and Mansfield, though he continued to advance in defiance of every obstacle, found his army, when he reached the Rhine, so weakened by sickness and the casualties of his march, that he was compelled to remain on the defensive.[117]

Treaty of marriage with a French princess.

Of these warlike preparations the king had remained a silent and reluctant spectator: but

[117] Secretary Conway says, that the 12,000 were to be levied by "press." Hard. papers, i. 533. What is extraordinary, at the same time that these 12,000, and the other 6000 men, were raised in England to be employed against Spain and Austria, 1500 men were also raised by the lord Vaux to be employed in the service of the archduchess, and consequently in their favour.

he took a more lively interest in the new treaty of marriage, which had been set on foot to console him for the failure of that with Spain. When in the preceding year Charles and Buckingham passed through France, they had stopped a day in Paris, and had been admitted in quality of strangers to the French court, where they saw the princess Henrietta Maria at a ball. She was the youngest daughter of the last king, in her fourteenth year, dark of complexion and short of stature, but distinguished by the beauty of her features, and the elegance of her shape.[118] At that time she seems to have made no impression on the heart of the prince: but afterwards, in proportion as his affections were estranged from the infanta, his thoughts reverted to Henrietta; and soon after his return to England, the lord Kensington was dispatched at his request to her brother's court. He appeared there without any official character; but the object of his visit was understood, and he received from the queen mother assurance of a favourable result. As soon as James had dissolved the treaty with Spain,[119] the earl of Carlisle joined Kensington: both took the title

[118] See two descriptions of the princess by lord Kensington, Cabala, 312. Ellis, iii. 177. and Howell's Letters, 190.

[119] Cabala, 311—319. Philip to the annunciation of this measure, replied, that he considered the treaty of marriage as still in force in consequence of a private agreement between the prince and himself.

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of ambassadors; and the proposal of marriage was formally made. By the French ministers it was eagerly entertained: but aware that the king had fixed his heart on the match, and that the power of Buckingham depended on the success of the treaty, they gradually rose in their demands. It was agreed that the parties should be married in France after the same manner in which Henry IV. had been married to Marguerite de Valois; that on the arrival of the princess in England, the contract should be publicly ratified without any religious ceremony: that she and her servants should be allowed the free exercise of their religion as fully as had been stipulated for the infanta; that the children should remain under her care till they were thirteen years old; that her portion should be 800,000 crowns; and that she should renounce for herself and her descendants all right of succession to the crown of France. But, in addition, the cardinal Richelieu observed that it would be an affront to his sovereign, if less were conceded in favour of a French, than had been granted to a Spanish princess; and on that ground he required that every indulgence promised to the English catholics by the treaty of Madrid, should be secured by the treaty pending at Paris. This unexpected demand, after the orders so recently given to the judges, the oath taken by the prince, and the promise made to parliament by

CHAP. III.

James, offered an almost insuperable difficulty. The negociation was at a stand: different expedients were suggested, and refused; at last the French cabinet acquiesced, or seemed to acquiesce, in the following compromise, that the king of England, in a secret engagement, signed by himself, his son, and a secretary of state, should promise to grant to his catholic subjects greater freedom of religion than they could have claimed in virtue of the Spanish match, without molestation in their persons, or properties, or conscience.[120] Nov. 8.

After this agreement both James and Louis signed the treaty. They had even ratified it with their oaths, when the French ministers raised an unexpected objection. The secret promise, they said, was conceived in general terms: it bound the king to no specific measure of relief: it left him at liberty to enlarge or restrict the indulgence at his pleasure. By the ambassadors at Paris this complaint was viewed as an attempt to re-open a negociation which had been definitively closed. They expressed, in forcible terms, their surprise and indignation: they advised Buckingham to resist with spirit: they even ventured to foretel

It is concluded. Nov. 12.

[120] Hardwicke papers, i. 523—547. Lord Nithisdale, a catholic, was employed to aid the French ambassador in Rome, who solicited the papal dispensation. See a letter from him to Buckingham in Cabala, 332, and another from Buckingham to him in Ellis, iii. 179.

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that the French court would recede from its pretensions, rather than forfeit the benefit of the marriage. But this to the king and his son appeared a hazardous experiment: they knew that the Spaniards were endeavouring to seduce, by the most tempting offer, the fidelity of Louis; and they shrunk from the disgrace of a second and more vexatious failure. Under such apprehensions, it was deemed best to submit to the imposition, and in the place of the former engagement were substituted the three following articles; that all catholics imprisoned for religion since the rising of parliament should be discharged; that all fines levied on recusants since that period should be repaid; and that for the future they should suffer no molestation on account of the private and peaceable exercise of their worship.[121]

Death of James.

Thus had the king, after nine years of embassies and negociations, apparently surmounted every obstacle to the marriage of his son with a princess of equal birth, and powerful kindred. The duke of Chevreuse was appointed by Charles his proxy, and the duke of Buckingham received orders to conduct the royal bride to England. Unexpectedly these arrangements were interrupted by a severe indisposition of the king. It was considered

[121] Ibid. 547—561. Cabala, 320. Prynne, 72. Rushworth, i. 173.

at first a tertian ague, afterwards the gout in the stomach; but whatever were the real nature of the disease, under his obstinacy in refusing medicine, and the hesitation or ignorance of his physicians, it proved fatal. On the eleventh day he received the sacrament in the presence of his son, his favourite, and his attendants, with a serenity of mind and fervour of devotion which drew tears from the eyes of the beholders.[122] Early on the fourteenth he sent for his son: but before the prince could reach the chamber, the king had lost the faculty of speech, and in the course of a few hours expired, in the fifty-ninth year of his age, and the twenty third of his reign. Of his seven children, three sons and four daughters, two only survived him, Charles his successor on the throne, and Elizabeth the titular queen of Bohemia.[123]

1625. March 27.

[122] "Being told that men in holy orders in the church of England "doe challange a power as inhærent in their function and not in "their person, to pronounce and declare remission of sins to such as "being penitent doe call for the same; he answered suddenly, I "have ever beleeved there was not power in you that be in orders in "the church of England, and therefore I, a miserable sinner, doe "humbly desire Almighty God to absolve me of my sinnes, and "you, that are his servant in that high place, to affoord me this "heavenly comfort. And after the absolution read and pronounced "hee received the sacrament with that zeale and devotion, as if hee "had not been a fraile man, but a cherubin cloathed with flesh "and blood." His funeral sermon by Williams, Somers' Tracts, ii. 51. Edit. of 1809.

[123] Hardwicke papers, i. 562—566. Howell, 173. Laud's Diary, 15. The prayers read to James at his death by the bishop of Lincoln, are in Hearne's Titus Livius, 221—224.

CHAP. III.

His character.

James, though an able man, was a weak monarch. His quickness of apprehension and soundness of judgment were marred by his credulity and partialities, his childish fears and habit of vacillation. Eminently qualified to advise as a counsellor, he wanted the spirit and resolution to act as a sovereign. His discourse teemed with maxims of political wisdom, his conduct frequently bore the impress of political folly. If in the language of his flatterers he was the British Solomon, in the opinion of less interested observers he merited the appellation given to him by the duke of Sully, that of "the wisest fool in Europe."[124]

The anomalies of his character may be traced to that love of personal ease which seems to have formed his ruling passion. To this we

[124] "He was of a middle stature, more corpulent throghe his "clothes then in his bodey, zet fatt enouch: his clothes euer being "made large and easie, the doubletts quilted for steletto proofe, "his breeches in grate pleits, and full stuffed. He was naturally "of a timorous dispositione, which was the gratest reasone of "his quilted doubletts. His eyes large, euer roulling after aney "stranger cam in his presence, in so much as maney for "shame have left the roome, as being out of countenance. His "beard was werey thin; his toung too large for his mouthe, and "made him drinke werey vncomlie, as if eatting his drinke, wich "cam out into the cupe in eache syde of his mouthe. His skin vas "als softe as tafta sarsnet, wich felt so becausse he neuer washt his "hands, onlie rubb'd his fingers ends slightly vith the vett end of "napkin. His legs wer verey weake, hauing had (as was thought) "some foule play in his youthe, or rather before he was borne, "that he was not able to stand at seuin zeires of age; that weaknes "made him euer leaning one other men's shoulders." Balfour, ii. 108.

see him continually sacrificing his duties and his interests, seeking in his earlier years to shun by every expedient the tedium of public business, and shifting at a later period the burthen of government from himself to the shoulders of his favourites. It taught him to practise in pursuit of his ends duplicity and cunning, to break his word with as much facility as he gave it, to swear and forswear as best suited his convenience. It plunged him into debt that he might spare himself the pain of refusing importunate suitors, and induced him to sanction measures which he condemned, that he might escape from the contradiction of his son and his favourite. To forget his cares in the hurry of the chase, or the exercise of the golf, in carousing at table, or laughing at the buffoonery of those around him, seem to have constituted the chief pleasures of his life.

His conversation was eloquent but pedantic, interspersed with numerous oaths, and often disgraced by profane allusions. Though he was no admirer of female beauty, he is charged with encouraging the immoralities of Somerset and Buckingham: and the caresses which he heaped on his favourites, joined to the indelicacy of his familiar correspondence, have induced some writers to hint a suspicion of more degrading habits. But so odious a charge requires more substantial proof than an obscure

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allusion in a petition, or the dark insinuations of a malicious libeller.[125]

From his preceptor, Buchanan, James had imbibed the maxim that "a sovereign ought "to be the most learned clerk in his dominions." Of his intellectual acquirements he has left us abundant evidence: but his literary pride and self-sufficiency, his habit of interrogating others that he might discover the extent of their reading, the ostentatious display which he continually made of his own learning, though they won the flattery of his attendants and courtiers, provoked the contempt and derision of real scholars. Theology he considered as the first of sciences on account of its object, and of the highest importance to himself in quality of head of the church and defender of the faith. But though he was always orthodox, his belief was not exempt from change. For many years his opinions retained a deep tinge of calvinism; this was imperceptibly cleared away by the conversation of Laud and Montague, and other high churchmen; and before the close of his reign he had adopted the milder, but contrary doctrines of Arminius. To the last he employed himself in theological pursuits: and to revise works of religious institution, to give directions to preachers, to

[125] See the note in Scot's edition of Somers' Tracts, ii. 488.

confute the heresies of foreign divines, were objects which occupied the attention, and divided the cares of the sovereign of three kingdoms.[126]

Besides divinity there was another science with which he was equally conversant, that of demonology. With great parade of learning, he demonstrated the existence of witches and the mischiefs of witchcraft, against the objections of Scot and Wierus; he even discovered a satisfactory solution of that obscure but interesting question, "why the devil did "worke more with auncient women than "others." But ancient women had no reason to congratulate themselves on the sagacity of their sovereign. Witchcraft, at his solicitation, was made a capital offence, and from the commencement of his reign there scarcely passed a year, in which some aged female or other was not condemned to expiate on the

[126] In the autumn of 1624, the archbishop of Embrun came to England by order of the king of France, and had several conferences with James and Buckingham respecting the treaty of marriage. In one of these, the king assured the prelate that he had nothing more at heart than to establish liberty of conscience in his dominions, and that for this purpose he had devised a meeting of English and foreign (probably French) divines to be holden at Dover or Boulogne, who should issue a declaration on which so important a concession might be founded. I think this is all that can be fairly concluded from the words of the king, as related by the archbishop, though he certainly inferred from them, that James wished to effect a reunion between the two churches, and to hold this theological assembly as a preparatory measure. See Relation de M. L'Arch. d'Embrun, subjoined to Deageant's Memoirs, 327—377.

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gallows her imaginary communications with the evil spirit.

Had the lot of James been cast in private life, he would have made a respectable country gentleman : the elevation of the throne exposed his foibles to the gaze of the public, and that at a time, when the growing spirit of freedom and the more general diffusion of knowledge, had rendered men less willing to admit the pretensions, and more eager to censure the defects of their superiors. With all his learning and eloquence, he failed to acquire the love or the esteem of his subjects ; and, though he deserved not the reproaches cast on his memory by the revolutionary writers of the next and succeedings reigns, posterity has agreed to consider him as a weak and prodigal king, a vain and loquacious pedant.

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CHARLES I.

CONTEMPORARY PRINCES.

Emperors.	*Kings of France.*	*King of Spain.*	*Popes.*
Ferdinand II...1637	Louis XIII....1643.	Philip IV.	Urban VIII....1644.
Ferdinand III.	Louis XIV.		Innocent X.

THE KING'S MARRIAGE—HIS FIRST PARLIAMENT—UNSUCCESSFUL EXPEDITION AGAINST CADIZ—SECOND PARLIAMENT—IMPEACHMENTS OF BRISTOL AND BUCKINGHAM—WAR WITH FRANCE—DISGRACEFUL EXPEDITION TO THE ISLE OF RHE'—THIRD PARLIAMENT—PETITION OF RIGHT—ASSASSINATION OF BUCKINGHAM—MINISTERS—LAUD, BISHOP OF LONDON—EXPEDIENTS TO RAISE MONEY—PEACE WITH FRANCE AND SPAIN—PROCEEDING IN FAVOUR OF THE PALATINE.

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CHARLES was in his twenty-fifth year, when he ascended the throne. His accession caused no material alteration among the members of the council, or in the policy of the government. The world had seldom seen the same individual monopolize the favour of two succeeding

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monarchs: but Buckingham possessed the confidence of the son, as firmly as he had enjoyed that of the father. The death of James was even in his favour. The old king had begun to feel uneasy under his control: but Charles listened to his counsels with the credulity, and clung to his interests with the obstinacy of youth.

The king's marriage. 1625. March 30.

The first question which claimed the attention of the new monarch was the match with France: and on the third day after the decease of his father, he ratified as king the treaty, to which he had formerly subscribed as prince. The duke of Chevreuse, his kinsman of the house of Guise, was a second time appointed to

May 1.

act as his proxy: the cardinal of Roche-foucault performed the marriage ceremony on a platform erected before the great door of the cathedral of Paris;[1] and the duke of Buckingham hastened to that capital with a numerous retinue to bring home the royal bride. Seven days were spent in rejoicings for an event, which was supposed to have cemented an eternal union between the two crowns. The queens, Mary of Medici, and Anne of Austria, accompanied Henrietta from her brother's court.[2] At Dover she was received by Charles

[1] See the French account of the ceremony in Somers' Tracts, iv. 95.

[2] The queen mother had intended to accompany her daughter to England. Her health not permitting it, she wrote to Charles from

at the head of the English nobility: the contract of marriage was publicly renewed in the great hall in Canterbury; and the royal couple repaired without delay to the palace of Hampton court.[3] Their solemn entry into the metropolis was prevented by the ravages of a contagious malady, the most destructive, so it was asserted, in the memory of man.[4]

He calls a parliament.

Charles had little leisure to attend to the entertainment of his young queen. The day after their arrival he met his first parliament, and submitted the state of his finances to its consideration. The supply granted to his father had not covered the moiety of those charges, for which it had been voted: James had bequeathed to his successor personal debts amounting to £700,000: and the accession and marriage of the new king had involved him in extraordinary, though necessary expenses. It was, however with cheerfulness

Amiens as follows: "J'estime ma fille heureuze, puis qu'elle sera le "lien et le cement pour l'union de ces deux couronnes, et je l'estime "doublement heureuze, non seulement pour ce qu'elle espouse un "grand roi, mais une personne come la votre. Je vous la recommende "comme la creature du monde qui m'est aussi chere, et prie Dieu de "tout mon cœur qu'il vous benisse tous deux." Rymer, xviii. 116.

[3] As both catholics and protestants considered marriage a religious rite, the former would have been shocked if Henrietta had received it from a protestant, the latter if Charles had received it from a catholic minister. The reader will observe, that by the arrangement adopted, both inconveniences were avoided.

[4] In Mead's letters to Stuteville, the weekly deaths in London increase in an alarming manner, from 640 to 942, 1222, 3583, July 30. Ellis, iii. 203. 205. 207. 209.

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and confidence that he threw himself on the bounty of his subjects. To him those objections did not apply, which had always been opposed to the pecuniary demands of the late monarch. It could not be said of him, that he had wantonly plunged himself into debt; or that he had squandered among his minions the revenues of the crown; or that he had awakened the jealousy of the people by preaching up the claims of the prerogative. The money which he solicited was required to carry into execution the vote of the last parliament: those who had advised the war, could not reasonably refuse the funds, without which it was impossible a war should be maintained.

State of parties.

There was, however, much in the state of the public mind to damp the ardent expectations of the king. In the upper house there did not, indeed, exist any formal opposition to the court; but many of the lords looked with an evil eye on the ascendancy of Buckingham, and were ready to vote for any measure which, by embarrassing the government, might precipitate the fall of the favourite. Their real but unavowed head was the earl of Pembroke; and we may perhaps form a pretty correct notion of the strength of the two parties, by adverting to the number of proxies entrusted to their leaders. If Buckingham had thirteen, Pembroke could boast of ten.[5]

[5] Journals, iii. 431.

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In the commons, the saints or zealots formed a most powerful phalanx. Austere to themselves, intolerant to others, they sought to reform both church and state, according to their peculiar notions of scriptural doctrine and scriptural practice. They deemed it the first of their duties to eradicate popery, which like a phantom, haunted their imaginations by day and night; wherever they turned, they saw it stalking before them; they discovered it even in the gaieties and revelries of the court, the distinction of rank in the hierarchy, the ceremonies of the church, and the existence of pluralities among the clergy. Their zeal was always active: but of late it had been fanned into a flame by the publications of Dr. Montague, one of the royal chaplains. Montague, in a controversial argument with a catholic missionary, had disowned many of the doctrines imputed to him by his adversaries. They were, he said, the doctrines of Calvin, not those of the established church. The distinction gave great offence. Yates and Ward, two puritan ministers, prepared an information against him to be laid before the parliament, and Montague "appealed to Cæsar" in a tract dedicated to the king. This proceeding raised the indignation of his enemies to the highest pitch; they pronounced him a concealed papist, whose object was to introduce popery; they suspected that he was encouraged by

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promises of support from several of the prelates, perhaps, from Charles himself, and they sought his punishment with as much eagerness and pertinacity, as if on it alone depended the very existence of the reformed faith.

The zealots generally fought under the same banner, and on most questions made common cause with the members of the country party, who, whatever might be their religious feelings, professed to seek the reformation of abuse in the prerogative, and the preservation of the liberties of the people. The perpetual conflict between authority and conscience during the late reigns, aided by the more general communication of political knowledge, had emboldened men to prefer principle to precedent, to dispute the propriety of usages which were defended only because they existed, and to condemn as an abuse in the crown, whatever seemed incompatible with the rights of the people. The advocates of these doctrines easily obtained seats in the lower house; and as experience had shewn that their real strength consisted in the control of the public purse, they had come to a resolution to oppose every grant of money to the sovereign, which was not coupled with the abolition of some national grievance, or the renunciation of some arbitrary and oppressive claim.

What rendered the union of the two parties more formidable, was the specious colour given

to their pretences. They combated for pure religion and civil liberty: to oppose them was to court the imputation of superstition and of slavery. Hence the very servants of the crown dared not meet them fairly; they gave them credit for the uprightness of their motives; they professed to have in view the attainment of the very same objects; they confined their opposition to the manner rather than the substance, and sought to retard the progress of the reformers by raising up collateral difficulties, and predicting future but imaginary evils.

It is true that Charles had acquired the favour of the last parliament; but after its prorogation his popularity had rapidly declined. If he had refused one popish princess, he had substituted another: if he swore to grant nothing more to his future wife than the private exercise of her religion, he had within a few months violated his oath by promising in her favour toleration to all the catholics in his dominions. Hence it was concluded, that the king had no settled notions of his own; that he was a mere tool in the hands of Buckingham, who had assumed the mask of patriotism during the last year, for the sole purpose of gratifying his resentment against Spain.

Proceedings of parliament at Westminster.

The session was opened with a gracious speech from the throne; but, though it had been customary to give credit to the professions

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of a new sovereign, nothing was heard among the commons but the misbodings of fanaticism and the murmurs of distrust. The king, at the request of the two houses, had appointed a day of public humiliation, fasting and prayer: they anticipated it by a week, that they might give the example to the rest of the nation. They assembled in the church of St. Margaret; they listened with the most edifying patience to four long and impassioned sermons, and they returned in a body the next day to receive the sacrament. The first fruit of their devotion was, what they termed "a pious petition," in which they conjured the king, as he valued the advancement of true religion, as he disapproved of idolatry and superstition, to put in immediate execution all the existing laws against catholic recusants and missionaries. At no time could such an address have proved more unwelcome to his feelings. He had just married a catholic princess: he had bound himself by treaty to grant indulgence to her brethren of the same faith, and his palace was crowded with catholic noblemen, whom he had invited from France to do honour to his nuptials; but prudence taught him to subdue his vexation, and he returned a gracious and satisfactory answer.[6]

June 18.

June 21.

[6] Lords' Journals, 435. 441. 448. 460. Commons', June 21, July 6. 8, 9. To avoid confusion, I shall hereafter refer to the page for the journals of the lords; to the day for those of the commons.

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From the catholics the commons turned their attention to the theological works of Dr. Montague. In them a committee discovered, or pretended to discover, much that seemed in opposition to the articles and homilies: his appeal to Cæsar was voted a contempt of the house, and the unfortunate divine was ordered to be taken into custody by the sergeant-at-arms. Charles dared not resent what he deemed an encroachment on his ecclesiastical supremacy; he even condescended to request that, since Montague was his servant, one of his chaplains in ordinary, the punishment of the offence might be referred to himself. But the favour was refused, and the prisoner gave bail for his appearance in the sum of £2000.[7]

July 7.

July 9.

The third subject of their consideration was the state of the king's finances. He shewed that the charges for the equipment of the navy alone had amounted to £300,000; they refused to grant him more than two subsidies, about one half of that sum, for the whole expense of the war: his predecessors, ever since the reign of Henry VI., had received the duties of tonnage and poundage for life, they voted the same to him, but limited the duration to the first year of his reign. Charles received the intelligence with surprise and indignation; but it was too late to recal their attention to the subject; more than twelve hundred persons had died of the

[7] Journals, July 7. 9. Bibliotheca Regia, 206.

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mortality in the last week, and the parliament was adjourned by commission, to meet again, after a short recess, in the city of Oxford.

July 11.

At Oxford.

At Oxford it sat but a few days; and they were days of angry debate, and mutual recrimination. Charges of perfidy were exchanged between the opponents and the advocates of the court. The king, it was said by one party, had promised to put in execution the penal laws against the catholics, and yet in the face of that promise had granted pardon to eleven priests under prosecution for capital offences:[3] the two houses, it was retorted by the other, had pledged their word to support the late monarch with their fortunes, if he would break the treaty with Spain, and now they refused the supplies required by their own votes. Charles asked at first for two subsidies and fifteenths; he descended to the trifling sum of £40,000: but the commons replied, that, though they had heard much of the war, they still remained ignorant who was the enemy; that to grant subsidies, which must be raised in subsequent years, was to impose upon others the burden which they ought to bear themselves; and that if £40,000 would suffice for the present necessity, the money might easily be raised by loan without

Aug. 1.

[3] It was replied that the pardon had been promised before, though it was signed after the adjournment; and as a kind of satisfaction, the king ordered the petition of the two houses, with his answer annexed, to be entered on the rolls of parliament. Journals, 477. 479.

the aid of parliament. Buckingham undertook, in a conference between the two houses, to account for the demands, and to explain the intentions of the king; but he only provoked the malice of his own enemies, who censured his youth and inexperience, charged him with neglect of his duty as lord admiral, and complained of the ambition which led him to unite in his own person so many high offices, the obligations of which were incompatible with each other. Charles was more alive to the interests of his favourite than to his own. The infection had introduced itself into Oxford; and, to save the duke from impeachment, he made use of that pretext to dissolve the parliament.[9]

Aug. 12.

It was not the character of the king to be diverted from his purpose by opposition. He had not yet declared war; the object of his military preparations had been kept secret; and, as he could not obtain pecuniary aid from his subjects, he was still free to remain at peace with his neighbours. But immediately after the dissolution Buckingham repaired to Plymouth to hasten the expedition, while Charles assumed the task of raising money to defray the expense. To this purpose he devoted every shilling which he could procure by terror, or entreaty, or retrenchment; the duties on merchandise were levied, though the bill had not

Expedition against Cadiz.

[9] Journals, 467—489. Commons, Aug. 1. Aug. 12.

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been passed by the house of lords:[10] privy seals were issued to the more opulent of the nobility and gentry: the payment of all fees and salaries was suspended; and to such a state of destitution was the royal household reduced, that, to procure provisions for his table, the king was obliged to borrow £3000 of the corporations of Salisbury and Southampton, on the joint security of the lord treasurer and the chancellor of the exchequer.[11]

At length, in the month of October, this mysterious expedition, consisting of ninety sail, and having on board an army of 10,000 men, left the harbour of Plymouth, under sir Edward Cecil, now created lord Wimbledon, a general officer, who, though he had grown grey in the service of the states of Holland, was pronounced by the public voice unequal to so important a command. Its destination was Cadiz, and had it been directed by an officer of more decisive character, the shipping in the harbour might have been surprised. The troops, however, were landed; the fort of Puntal capitulated, and a rapid march was made towards the bridge of Suazzo, to intercept the communication between the Isla and the continent. But the men

[10] It was read a first time (Journals, 463.) and then neglected. The king was unwilling to receive the duties for a year only, and the lord keeper Williams prevented the second reading. Hacket, ii. 17.

[11] Sydney papers, ii. 363. Rymer, xviii. 181. Rushworth, i. 196, 197.

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discovering on their march several cellars stored with wine, indulged to excess: their insubordination alarmed the feeble mind of the commander; and though no enemy had appeared, he led them back with precipitation to the fleet. By the next article of his instructions he was ordered to intercept a rich convoy of Spanish merchantmen from the West Indies. It passed him unobserved during the night; and after a fruitless cruise of seventeen days, he returned to Plymouth, with the loss of more than a thousand men, not from the swords of the enemy, (for he had seen none,) but from the ravages of a pestilential disease, which did not spare a single ship in the fleet. To Charles, who had indulged in dreams of victory and plunder, this disgraceful result was a source of the keenest anguish; he ordered an inquiry; the council examined the commander-in-chief and his inferior officers; but their statements were discordant, their complaints reciprocal; and after a long investigation, it was deemed expedient to bury the whole matter in silence.[12]

Dec. 8.

Foreign treaties.

While Buckingham governed the king, he was governed in his turn by lord Kensington, lately created earl of Holland. With this nobleman in his company he sailed to the

[12] Rushworth, i. 195. Howell's Letters, 185. Whitelock, 2. Wimbledon says, that he accepted the command with reluctance; that he foretold the event, and that he acted in opposition to his own judgment, but in obedience to that of the king. Cabala, 404—406.

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Hague, taking with him the crown plate and jewels, on the security of which, it was calculated, he might raise £300,000.[13] A treaty offensive and defensive had been already concluded with the states: he negociated a second

Dec. 9.

with the king of Denmark, who engaged, on the payment of a monthly subsidy by Charles, and of another by the united provinces, to maintain in the field an army of 36,000 men. Thence Buckingham prepared to proceed to Paris, but was deterred by an unwelcome message from Richelieu, that his presence in that capital would not be tolerated. Holland and sir Dudley Carleton were subsituted in his place: and the tenor of their instructions shews, that the recent marriage had not created a very friendly feeling between the two courts. They received orders to demand the restoration of certain ships formerly lent to the French king, and to mediate a peace between him and his revolted subjects, the French protestants. If a new alliance should be proposed, they were neither to accept nor refuse it; but in the mean time to hold secret communication with the protestants in arms, to assure them of protection from England, whenever it might be necessary, and to inquire what forces they could raise, if Charles were to engage in war

[13] Rymer, xviii. 236—240. Strafford papers, i, 28. Sydney papers, ii. 360. "My lord of Holland governs my lord of Buckingham, and "so the king. The passages of this place are not fit for letters." Earl of Pembroke, ibid. 361.

on their account. It is plain that the king already meditated hostilities against France; but the design was defeated by the policy of Richelieu, who made peace with the insurgents, promised to restore the ships which had been borrowed, and offered to send an army into Germany, provided the English monarch would do the same.[14]

Preparations for the meeting of parliament.

At home the king felt himself at a loss how to proceed in regard of his catholic subjects. The secret treaty in their favour, to which he had sworn at his marriage, was in direct contradiction to his previous protestations, and to his late answer to the parliament. But Charles was always influenced by present convenience, and as the lesser evil, he determined to violate the treaty. The magistrates received orders to watch over the strict execution of the penal laws; a commission was appointed to levy the fines due by the catholics, and to apply them to the charges of the war; and a succession of proclamations enjoined all parents and guardians to recal their children and wards from seminaries beyond the sea; all catholic priests to quit the kingdom against a certain day: and all recusants to deliver up their arms, and confine themselves within the circuit of five miles from their respective

[14] Clarendon papers, i. 27. Rymer, viii. 256. Dumont, v. 478. 482. Journals, Apr. 18, 1626. Hardwicke papers, ii. 6.

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dwellings. The king of France remonstrated by an extraordinary ambassador; he insisted on the faithful observance of the treaty; but Charles had pledged his word to call a parliament after Christmas, and he dared not face his opponents, until he had carried into effect the prayer of their petition.[15]

As that term approached the king laboured to break the strength of the opposition in both houses. The earl of Pembroke submitted, at the royal command, to seek a reconciliation with the favourite: the distant and scornful behaviour of the sovereign admonished the earl marshal of the offence which he had given; and the lord keeper received an order to surrender the great seal, which was bestowed on the attorney-general, sir Thomas Coventry. It was not that Williams had been wanting in servility of demeanor, or protestations of attachment: but his former offence had not been forgotten; the merit of his present services was balanced by the discovery of his intrigues with the country party; and it was deemed best to deprive a man, whose abilities were feared as much as they were prized, of the power of doing

[15] Rym. xviii. 179. 228. 267. Sydney papers, ii. 365. Strafford papers, i. 28. Hardwicke papers, ii. 4. 7. Rushworth, 196. 198. 202. See also the letter from the king to the archbishops, those of the archbishops to the bishops, and their circulars to the chancellors and archdeacons, ordering them to proceed against recusants in the spiritual courts, and return into the chancery the names of all the recusants in each diocese. Bibliotheca Regia, 12—16.

harm, by removing him from office, and marking him out for the object of future vengeance.[16]

With a similar view the king adopted an extraordinary expedient to withdraw the most efficient members of the opposition from the house of commons. When the judges presented to him the list of sheriffs for the ensuing year, he struck out several of the names, and in their place substituted those of seven individuals, who had distinguished themselves by their hostility to Buckingham in former parliaments.[17] The artifice was too gross to escape

Nov. 13.

[16] Strafford papers, i. 28. Sydney papers, ii. 364, 365. Hacket, ii. 16—18.

[17] They were sir Edward Coke, sir Thomas Wentworth, sir Francis Seymour, sir Robert Philips, sir Grey Palmer, sir William Fleetwood, and Edward Alford. Coke, from his legal knowledge, gave the king considerable trouble. He refused to be sworn, and tendered to the judges four exceptions against the sheriff's oath. Three were rejected as frivolous; they admitted the fourth, that the clause binding the sheriff "to destroy and make to cease all heresies, and errors, com-" monly called lollardies, within his bailwick," was in opposition to the statutes establishing the reformed church, because several of her doctrines were the same as those formerly called lollardies. But Charles ordered the clause to be struck out, and Coke took the oath. (Rush. i. 201. 202.) It was next suggested that, though the sheriffs could not be returned for places within their respective shires, yet they might sit as the representatives of other counties or boroughs. Wentworth was unwilling to adopt an expedient, which might bring him into collision with the royal authority, (Strafford papers, i. 30, 31.) but Coke was less timid; he accepted a seat for the county of Norfolk, and the question of his eligibility was repeatedly discussed in the house of commons. The weight of precedent appeared to be against him: but his friends had sufficient influence to prevent an unfavourable decision; and, though he did not take his seat, he was suffered to enjoy all the other privileges of a member. Journals, Feb. 10. 27. June 9, 1626.

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detection; and it served in the result to hasten that impeachment, which the king sought to prevent. The new sheriffs could not indeed sit as members; but their friends looked on their exclusion as an unpardonable abuse of power, and longed for an opportunity of visiting it upon the head of the man, to whose counsels it was attributed.

Complaints by the commons.

At Candlemas the king was crowned,[18] and four days later he met the new parliament. The first care of the commons was to appoint a committee of religion, a second of grievances, and a third of evils, causes, and remedies; committees, the very names of which disclosed the temper and aim of the leading members. 1°. The committee of religion resumed the subjects of popery, and of the religious opinions of Dr. Montague. Under the pretext that most of the calamities which oppressed the nation sprung from the increase of popery, it was resolved to enact laws of additional severity against the professors of the ancient creed: schoolmasters were summoned from the most

[18] Two things were remarked on this occasion. When the people were called upon to "testify by their general acclamation their consent to have Charles for their sovereign, they remained silent, till "the earl-marshal told them to shout;" and the unction, that it might not be seen, was performed behind a traverse by archbishop Abbot; whence, as notwithstanding his absolution by king James, he was still thought irregular by many, considerable doubts were raised of the validity of the coronation. See the letter of D'Ewes, in Ellis, iii. 214.

distant parts to answer interrogatories respecting their own sentiments and those of their scholars; and every member in the house was successively called upon to denounce all persons in authority or office, who to his knowledge were suspected, or whose wives or children were suspected, of any secret leaning to the catholic worship.[19] Against Dr. Montague a charge was prepared to be presented to the house of lords. He had been guilty of the heinous crimes of acknowledging the church of Rome to be a true church, and of maintaining that the articles in dispute between her and the church of England, were of minor importance. The king, notwithstanding the entreaties of bishop Laud, resolved to leave the obnoxious divine to his fate; he was saved by the intervention of matters of greater interest, and the sudden dissolution of the parliament.[20] 2°. The committee of grievances, after a tedious investigation, denounced to the house sixteen abuses, as subversive of the liberties of the people. Of these the most prominent were the practice of impositions, which had been so warmly debated in the last reign; that of purveyance, by which the officers of the household collected provisions at a fixed price to the distance of sixty miles from the court; and the illegal conduct of the lord treasurer, who persisted in levying the duties of

[19] Journals, Feb. 15. 21. Mar. 7. 9. May 3. 11. 23. June 6, 1626.
[20] Ibid. Mar. 17. 19, 20. June 14.

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tonnage and poundage without authority of parliament. It was urged in his vindication that for centuries they had formed part of the annual income of the crown: but the opposition members replied, that if the king could impose one tax by virtue of the prerogative, he might equally impose others: the consent of parliament would no longer be requisite; and the property of the subject would be placed at the arbitrary disposal of the sovereign.[21]

Charles, who watched these proceedings with impatience, reminded the house of his wants, and received in return a promise of three subsidies and fifteenths, as soon as he should give a favourable answer to their prayer for the redress of grievances. His pride spurned the condition. He advised them to hasten and augment the supply, or "else it would be worse "for themselves:" he repeated the menace, he wrote to the speaker, he reprimanded the house in the presence of the lords; and at last extorted the vote of an additional subsidy. But by this time the committee of evils, causes, and remedies, had discovered that, as the duke of Buckingham was the real "cause," so his punishment would be the great "remedy" of the national "evils:" and under this impression a resolution was taken to impeach him before

[21] Journals, Ap. 27. May 24. June 8.

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the upper house of sundry high crimes and misdemeanours.[22]

May 8. Question of privilege.

It argues an unusual want of prudence, a dangerous obstinacy of character, in the king, that while he was thus at open war with the commons, he wantonly provoked, and unwisely prolonged, another and useless quarrel with the upper house of parliament. The reader is aware that he was already offended with the conduct of the earl marshal. Lord Maltravers, the son of that nobleman, privately married a daughter of the duke of Lennox. The royal license had not been asked: the apology of the earl, that the match was clandestinely concerted between the mothers of the parties, was not admitted; and Arundel, in virtue of a royal warrant, was arrested and conveyed to the Tower. The king attributed it to his good fortune that he was able at this particular moment to exclude from parliament a peer, whose hostility to the favourite was avowed, and who being intrusted with no fewer than six proxies, might have proved a most dangerous adversary. To his surprise and confusion, the lords voted the imprisonment of the earl, pending the session, an infringement of their privileges; and they presented address after address, soliciting his immediate release. Charles returned evasive answers; he sent the attorney general to plead

May 13.

[22] Journals, Mar. 10. 20. 27. April 13. 20. May 2. 8. Rushworth, i. 218—230.

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in favour of his prerogative; he decribed the conduct of the earl marshal as personally offensive to himself and dangerous to the state. But the lords refused to yield: they passed a resolution to suspend all other proceedings till their colleague had again taken his place; and after a contest of three months, they triumphed over the pride and reluctance of the king. Arundel was set at liberty, and resumed his seat amidst the loud congratulations of the house.[23]

May 13.

June 8.

Bristol accused of treason.

But the duke had another enemy to fear, one who, though he could not boast of equal influence with the earl marshal, had it in his power to inflict a deeper wound on his character. The reader will recollect the fallacious statement by which Buckingham with the prince standing at his side, had induced the two houses to break the Spanish treaty. From that moment they had lived in continual terror of the disclosures, which might some day be made by the earl of Bristol: the moment he arrived from Spain, he was put under restraint; he was forbidden to appear at court, or to attend his duty in parliament; and the royal displeasure was extended to all, who ventured to pay him even a casual visit in his retirement at Sherburne.[24]

[23] Journals, 526. 528. 552. 558. 562. 564. 566. 580, 581. 594. 630. 646. 650—655. From this number of references the reader may judge of the spirit and perseverance of the lords. The privilege which they claimed, was freedom from arrest, unless in cases of felony or treason.

[24] See Sydney papers, ii. 360. 364.

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Bristol, however, was not of a character to bend to oppression: he refused to sign the submission proposed to him by the favourite; he watched with patience the growing discontent of the nation; and, when he had ascertained the strength of the opposition in both houses, complained to the peers, that in violation of their common priviledge, his writ of summons to parliament had been unjustly withheld. Charles immediately ordered the writ to be issued; but with it Bristol received a letter forbidding him to avail himself of it, under pain of the royal displeasure. This he forwarded to the house; soliciting advice in a case which might hereafter be that of any other peer, and demanding permission to accuse, in his place, of high crimes and misdemeanours, the man who, that he might elude the punishment which he deserved, had for two years deprived another of his liberty and rights. This bold proceeding alarmed both the king and the duke: a new expedient was adopted to silence the accuser; and the next day the attorney general charged Bristol himself with high treason at the bar of the house. The lords perceived and defeated the artifice: they ordered that each cause should be heard in succession; and that the charge against the earl should not be held to prevent, prejudice, or impeach his testimony.[25]

June 20.

May 1.

[25] Journals, 537. 544. 563. 567, 578.

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He accuses the duke.

The articles which he exhibited against Buckingham, and which he pledged himself to prove by written documents and undeniable testimony, affected the moral as much as the political character of that nobleman. They accused him of having conspired with Gondomar to draw the prince by false information into Spain, that he might there change his religion before his marriage with the infanta: of having, while he resided in the Spanish court, disgraced himself and his country by his contempt of decency, and the profligacy of his amours;[26] of having broken off the treaty of marriage solely through a spirit of resentment, because the Spanish council, dissatisfied with his misconduct, had refused to continue the negociation with so dissolute a minister; and of having, at his return, deceived both his sovereign and the parliament by falsehood and misrepresentation. What answer Buckingham would have made to these charges, we know not: the parliament was dissolved before he attempted to defend himself: but that he should allow them to remain without denial on

[26] This is the charge: "as for the scandal given by his personal "behaviour, as also his employing his power with the king of Spain "for the procuring of favours and offices, which he conferred on base "and unworthy persons for the recompense and hire of his lust, these "things, as neither fit for the earl of Bristol to speak, nor indeed for "the house to hear, he leaveth to your lordships' wisdoms how far it "will please you to have them examined." Journals, 577.

the journals, seems to argue a consciousness that his conduct could not bear investigation.[27]

Bristol's answer.

The charge of treason brought by the king against Bristol, when it was divested of the high-sounding language in which it had been clothed by the attorney general, dwindled into comparative insignificance. It stated that the earl, in violation of his duty as an ambassador, had falsely assured the late monarch of the sincerity of the Spanish cabinet; that he had indirectly, at least, concurred in the plan of inducing the prince to change his religion; that he had sought to force the marriage upon him, by seeking to deliver the procuration to Philip; and that in his letter to the lords he had given the lie to his sovereign, by terming that statement false, which Charles had vouched to be true. These charges gave to Bristol that which he had so long sought, the opportunity of vindicating his conduct. His answer, which was entered on the journals, appears full and satisfactory.[28]

May 6.

May 19.

The duke is impeached by the commons. May 8.

If Buckingham neglected to notice the articles exhibited against him by the earl, he attributed the delay to the necessity imposed on him of answering a charge of still greater importance. In defiance of the royal prohibi-

[27] Journals, 576. 669. Bristol also exhibited articles against lord Conway, whom he represented as the creature of Buckingham. He charged him with acts of oppression: Conway replied, that whatever he had done, was by order of the king. Ibid. 676.

[28] Ibid. 582. 632.

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tion, the commons had impeached him before the lords, and had comprised his offences under thirteen heads: that he had purchased for money and had united in his own person, several of the highest offices in the kingdom; had diverted to his own use the revenue of the crown; had raised his indigent kindred to wealth and honours; had suffered the trade of the country to fall to ruin by his negligence; had provoked the king of France to make reprisals on the merchants, by unjustly detaining a French ship for his own profit; had extorted £10,000 from the East India Company; had lent a squadron of English ships to be employed against the French protestants; and had presumed to administer medicine to the late king, without the approbation of the physicians.[29] Sir Dudley Digges opened the charge; it was continued by six other members; and sir John Elliot, having compared Buckingham to Sejanus in lust, rapacity, and ambition, concluded with this exclamation, "My lords, you see the *man*. By him came

May 8.

May 10.

[29] This fact was represented by the enemies of the duke as the cause of the king's death. But if we may believe him, it passed in this manner: The king, understanding that the earl of Warwick's physician had prescribed for Buckingham "a plaister and a posset drink," when he was ill of the ague, ordered John Baker, one of the duke's servants, to procure the same for him. They were brought while Buckingham was absent. At his return, James ordered him to give him the posset drink, which he did in the presence of the physicians, who made no objections. Lords' Journals, 662.

"all these evils: in him we find the cause; "on him we expect the remedies."[30]

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A report had been carried to Charles that the two managers, in allusion to the last of the articles, had thrown out a hint that Buckingham was but the inferior agent; a more illustrious personage had been the chief conspirator against the life of the late monarch. In a transport of passion, he ordered Digges and Elliot to be committed to the Tower: and hastening to the house of lords, called on them to vindicate the character and privileges of their sovereign. He had borne in patience the imputations on the duke, though he could "be a witness to clear him in every one of the "articles:" but he would suffer no one to insinuate of himself with impunity, that *he* had been privy to the death of his father. The commons, on the other hand, demanded justice for the imprisonment of the two members, and refused to proceed to any business till they should be discharged. In a few days the king's anger cooled: he was persuaded to yield; and both houses declared that they had heard none of the words, the report of which had given such heinous offence.[31]

Two of the managers imprisoned.

May 11.

May 19.

But at the same time the death of the earl of Suffolk afforded him an opportunity of tri-

The duke made chancellor of Cambridge.

[30] Lords' Journals, 618.

[31] Ibid. 592. 627. Commons, May 12, 13. 15, 16, 17. 19, 20. Carleton's Letters, xxxvii.—xlv. Rushworth, i. 364.

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umphing over the enemies of his favourite. The chancellorship of the university of Cambridge became vacant; and a royal mandate proposed Buckingham as successor to Suffolk.

May 28. The heads promised obedience: the younger members put in nomination the earl of Andover. After a severe contest the duke carried his

June 1. election by the small majority of three. The commons voted it an insult offered to their house; they resolved to inquire into the proceedings; and had prepared an answer to a prohibition from the king, when the dispute was suddenly terminated by the dissolution of parliament.[32]

His defence.

If Charles had allowed it to sit so long, his only object was that Buckingham might have leisure to prepare his answer with the assistance of sir Nicholas Hyde. He divided the charges into three classes: some he pro-

June 8. nounced to be unfounded in fact, the groundless calumnies of his opponents: some, he affirmed, did not affect *him*: they referred to the personal acts of the last, or of the present king: and of others, he contended that a sufficient justification would be found in the orders of the sovereign, or the advice of the judges. To one he pleaded guilty, the purchase of the wardenship of the cinq ports, but thought it might be excused on the ground of public

[32] Ellis, iii. 228—235. Journals, June 5, 6, 7. Biblioth. Regia, 235.

utility: with respect to another, the delivery of the ships to the officers of the French king, he appeared to faulter: not that he was unable to prove the innocence of his conduct, but that it was imprudent to disclose the secrets of the state.[33] This answer was calculated to make

[33] The following is the best account which I have been able to collect respecting this very extraordinary transaction:—The Spaniards, to revenge themselves on the French cabinet, which had aided the protestants of the low countries against them, entered, in October 1624, into a secret treaty with the duke of Rohan and the prince of Soubize, the leaders of the French protestants against the king of France. Soubize, sailing unexpectedly from Rochelle, surprised the isle of Rhé, and captured at Blavet a ship of eighty guns. Louis immediately applied to the king of England, and the states of the united provinces, for maritime aid, and both agreed to supply the number of ships to which they were bound by treaty,—the king eight, the Hollanders twenty. For this purpose Charles pressed seven merchantmen into his service, and placed them under the command of Pennington, in the Vanguard, a ship of war. They were next transferred by contract to the service of France; but the men understanding at Dieppe that it was intended to employ them in an expedition against Rochelle, refused to fight, and returned to the Downs. They were twice sent back, and Pennington received a warrant from the king to sink any ship that might attempt to escape. One, however, returned; the others, being manned by Frenchmen, were employed, and restored at the termination of the war. The offence said to have been committed by the duke was, that he, as high admiral, had lent English ships for the purpose of opposing the protestants. The answer given by his friends, and by himself, was, that he and the king had been deceived:—they knew not of the intention of the French cabinet; they supposed that the ships would have been employed against Genoa. That this allegation was false, is evident from the whole tenor of the transaction, from the unwillingness of the duke to give an explanation, from a passage in his letter, dated Paris, May 30th, 1625: "the peace with them of the religion depends upon the success of "that fleet they (the French) had from your majesty and the low "countries." Clarendon papers, ii. App. xxv.; and from another

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a strong impression on the minds of the lords. It placed the conduct of the duke in a most favourable light, and represented him as a faithful but injured servant, the victim of unmerited suspicion and calumny. The commons announced their intention of replying: but the

June 11. king refused to allow them the opportunity. Aware of his intention, they hastily prepared a long and energetic remonstrance, repeating their charges against the favourite, and requesting that he might be removed from the royal presence. But Charles, before it was

June 15. presented, signed a commission for the dissolution of the parliament, and to the prayer of the lords for a short delay, replied with impatience; "No, not of one minute." The earls of Arundel and Bristol were immediately placed under confinement, the former in his own house, the latter in the Tower.[34]

Expedients to raise money.

The proceedings of this session had kept the king in a state of continual irritation: its dissolution left him to struggle with his pecuniary difficulties, which were daily multiplied by the demands of his Danish and German allies. He had threatened the commons to pursue

passage in the instructions given to him on the 17th of October, "we "conceive that the work which was required to be done by them (the "ships) *being the suppression of Soubize*, is accomplished." Rym. xviii. 209. See the treaty of 1610, confirmed in 1620, Rym xvi. 696. Archæologia, xvii. 12. Prynne, Hidden Works of Darkness, 85. Rush. i. 178. Journals, 603—608. 661.

[34] Journals, 592. 655—663. 682.

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"new counsels:" necessity compelled him to execute his threat. 1°. Tonnage and poundage, comprising all the duties levied on imports and exports, formed the principal portion of the annual income. No bill, authorizing these duties, had been passed: nevertheless he ordered the officers of the customs to exact them in the same manner as had been done in his father's reign: not, indeed, that they belonged to him of right, but under the pretext, that they would have been granted to him of course, if the parliament had not been prematurely dissolved. 2°. A commission was appointed to improve the income arising from the crown lands, with authority, in consideration of the actual payment of a large fine, to grant long and profitable leases, to extinguish the more onerous services incident to feudal tenures, and to convert the lands holden by copyright or lease, into fee farms at certain annual rents. 3°. Other commissioners were invested with powers to inquire into the arrears of the penalties due for religious delinquency, and to secure the annual payment for the future. Their instructions distinguished between the poor and the more opulent recusants. Those of the first class were allowed to compound for their fines, that they might not be reduced to absolute beggary: from those of the second, the commissioners were ordered to take two thirds of their lands, and to let them on lease to the

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highest bidder, and in that case to the owner himself, though it was contrary to the law. 4°. Privy seals for the loan of money were again issued to noblemen, gentlemen, and merchants of reputed property; and an immediate advance of £120,000 was imperiously required from the city of London. 5°. Under pretence of the protection of commerce in the narrow seas, the several ports were compelled to provide and maintain during three months, a certain number of armed vessels, and at the same time the lords lieutenants of the different counties received orders to muster the inhabitants, train them to arms, and employ them for the purpose of suppressing civil tumult, or of repelling foreign invasion.[35]

A forced loan.

While men expressed their surprise and indignation at these arbitrary proceedings, intelligence arrived, which spread a deep gloom over the whole kingdom. A great and bloody battle had been fought at Luttern, between the imperialists under count Tully, and the allies of Charles under the king of Denmark. The latter had fled beyond the Elbe; their artillery and baggage had fallen into the hands of the conquerors; and the whole circle of Lower Saxony, abandoned without defence, lay at the mercy of Ferdinand. The cause of the prince Palatine was at last pronounced

[35] For these particulars see Rym. xviii. 730. 7. 9. 41. 55. 71. 86. and Rush. i. 417—421.

desperate: the very existence of protestantism in Germany was thought to be at stake. Charles seized the favourable moment to execute a measure which he had long meditated, but had not dared to attempt. He resolved to raise a forced loan by his own authority; and with this view he appointed commissioners in every county, instructed them to take the book of the last subsidy for their guide; and empowered them to exact from each individual the advance of a sum of money according to the former rate, in the proportion of cent. per cent. on land, and of a mark in the pound on personal property. This demand was of itself sufficiently despotic; it was rendered still more intolerable by the inquisitorial powers, with which the commissioners were armed. They received orders to interrogate the refractory upon oath; to require from them an avowal of the motive of their disobedience, and a disclosure of the names of their advisers; and to charge them on their allegiance to keep their answers to these questions secret from all persons whomsoever.[36]

Feb. 5.

To induce submission, the king published an elaborate proclamation, stating, that he had been driven to this extraordinary measure by the exigence of the moment, which did not allow him time to consult his parliament; and promising that every farthing advanced by his

Punishment of the refractory.

[36] Rush. i. 422. Rymer, xviii. 835—842.

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Sept. 26.

loving subjects should be faithfully repaid out of the next subsidies by their grateful sovereign. At the same time he wrote to the clergy, calling on them to come forward in support of the protestant interest, to preach unanimity and obedience, and to impress on the minds of their parishioners the duty of aiding the king in his necessities.[37] But there were many who refused to listen either to the commands of the sovereign or to the exhortations of their ministers. Their names were returned by the commissioners: the more opulent received a summons to appear before the council, and were either committed to prison, or confined in private houses at a considerable distance from their homes and families; the poor, that "they might serve with their bodies, since "they refused to serve with their purses," were forcibly enrolled in the army or navy.[38] Charles refused to shew any indulgence. It had been repeatedly said that he was governed by Buckingham: now, that the favourite was absent he resolved to prove, by acts of vigour, or rather of despotism, that he had a will of his own, and was not of that easy and ductile disposition which had been attributed to him by his opponents.

Causes of war with France.

The mission on which the duke was employed, had for its object to arm the French

[37] Rymer, xviii. 764. Bibliotheca Regia, 298—305. Wilkin's con. iv. 471.

[38] Rushworth, i. 426. Strafford papers, i, 36—41.

protestants against their sovereign, and to make a descent upon the French coast. But what was the inducement, or rather the necessity, which led the king, at a moment when, in the estimation of every thinking man, there were only two expedients by which he could extricate himself from his difficulties,—a peace with Spain, or a reconciliation with his parliament, to neglect them both, and in addition, to provoke a war with the monarch, whose alliance he had courted, and whose sister he had married? The motives for this rash step were never openly avowed: they may perhaps be discovered by attending to the following incidents.

The duke's passion for Anne of Austria.

1°. When Buckingham, two years before, entered Paris, as the guide appointed by Charles to conduct the French princess to England, he dazzled every eye with the splendour of his dress, and the number and magnificence of his retinue.[39] Among the ladies at court, the gallant Englishman became the theme of general admiration: *he* singled out for the object of his attentions the young queen Anne of Austria, the eldest sister of the Spanish

[39] He took with him "a rich white satin uncut velvet suit, set all "over both suit and cloak, with diamonds, the value whereof is "thought to be worth fourscore thousand pounds, besides a feather "made with great diamonds, with sword, girdle, hatband and spurs "with diamonds: which suit his grace intends to enter Paris with." He had twenty-seven other suits, all "rich as invention could frame "or art fashion." Hardwicke papers, i. 571. Ellis, iii. 189.

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infanta. Buckingham had the presumption to love, and to fancy himself beloved; but his steps were watched, and a seasonable hint of danger restrained him within the limits of decorum. When he took leave of Anne on his departure from Amiens, it was observed that his eyes were suffused with tears; and the moment he reached Boulogne, leaving Henrietta to the care of her servants, he returned to that city under the pretence of important business, and boldly intruded, without notice, into the royal bed-chamber. Anne was attended by two of her maids of honour; she heard with apparent anger the protestations of attachment which her lover addressed to her on his knees; and ordered him to depart in a tone of severity, which her female biographer suspected to have been feigned. The presumption of the duke could not be concealed: and Louis ordered several of the queen's domestics to be immediately discharged. Buckingham, after his return to England, continued to nourish this extravagant passion, and had recourse to every expedient to procure another invitation to the French court. The reader has seen that he obtained the appointment of ambassador, but was refused admission by the cardinal of Richelieu; his confidant, the earl of Holland, who proceeded to Paris, laboured in vain to remove the impediment, and the French courtiers avowed their determination to shed the blood of the foreign

minion, who sought to defile the bed of their sovereign. Still the duke did not desist. Two other attempts were made, but no persuasion, no artifice could subdue the repugnance of Louis; and the war which followed, has been attributed by English writers to the resentment of the disappointed lover, by the confidante of Anne to his hope of being employed as ambassador to reconcile the two crowns. It is, however, plain, that whatever may have been the secret motives of Buckingham, he must have alleged some very different reason in defence of a measure which threatened to prove so prejudicial to the interests of his own sovereign.[40]

Dismissal of the queen's household.

2°. When Henrietta reached England, she observed to the king that she was young, without experience, and ignorant of the national customs. She might commit many faults, but she begged that he would reprimand her in private, and not publish her misconduct to others. Yet the domestic happiness which

[40] Carte (iv. 132.) has attempted to throw discredit on this story from dates in the Mercure Francois. But there can be no doubt that it is substantially true. It is related by Madame de Motteville in her memoirs, (vol. i.) and is confirmed by the testimony of Clarendon, (Hist. i. 38,) by the celebrated stanzas of Voiture addressed to Anne herself, (Motteville, i, 231.) and by the letters of Holland to Buckingham, (Cabala, 252. 253.) To understand these letters the reader should observe, that by the figure of a crown is meant the king of France, by that of an anchor the duke of Buckingham, high admiral, and by that of a heart, his sweetheart the French queen. See also the translation of the memoirs of Cardinal de Retz, iv. 185.

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they at first enjoyed was soon embittered by a succession of petty and vexatious quarrels. The king complained of the caprice and petulance of his wife, the queen of the morose and antigallican disposition of her husband. He attributed their disagreement to the discontent of her French attendants; she and her relations to the interested suggestions of Buckingham.[41] That the servants of her household met with much to exercise their patience, cannot be doubted: they occupied the place of Englishmen, and were consequently exposed to the hostility of all who might profit by their removal; and that the queen should undertake their defence was natural: she pleaded only for the strict observance of the marriage treaty. Charles, however, before the conclusion of six months, had resolved to send them back to France.[42] He sought to spare himself the charge of so expensive an establishment, at a time when the treasury was drained to the last shilling; and the number of the chaplains, the pomp with which they performed the service,

1625. Nov. 30.

[41] Motteville, i. Cabala, 252.

[42] Harleian MSS. 6988. There are two letters to Buckingham, of the same date, Nov. 20; one has been often quoted to prove that Charles was displeased with the duke, because he sought to dissuade him from sending away the queen's servants. But the other letter shews that the first was a mere artifice; that Buckingham, when he arrived at Paris, might have something to show in his own defence against the charges of Henrietta. Hard. papers, ii. 1. 2. Ellis, iii. 216.

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and their bold, perhaps indiscreet, bearing, amidst the vilifiers of their religion, were thought to cause, or at least to strengthen, the opposition of the commons to the measures of the administration. He announced his intention to the French court, and Blainville came over to mediate between the king and his consort; but Charles deemed the interference of the ambassador an insult, and the outrages of the mob placed his life in danger. After several delays, the king executed his project. Taking the queen by the hand, he led her into a separate apartment, and having informed her of his purpose, conducted her to his palace of Nonsuch. In the mean time, secretary Conway read to her attendants the royal order for their immediate removal to Somerset-house; and the yeomen of the guard, with their halberts, compelled them to depart. Their wages were paid,—gratuities were added: and, after many objections and delays the whole body, partly by persuasion, partly by force, consented to embark, and was safely landed in France.[43] Three native priests received the appointment of chaplains, and six

1626. Feb.

June 1.

July 1.

Aug. 12.

[43] On July 1, he visited them at Somerset-house, and told them that "some among them had so dallied with his patience that he "could not, and would not, any longer endure it." Bib. Reg. 218. Yet they did not depart; and on the 7th of August he wrote to Buckingham,—"force them away, dryve them away, lyke so manie "wylde beastes; and so the devill goe with them." Ellis, iii. 224.

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females, of whom four were protestants, that of ladies of the bed-chamber to the queen.[44]

But this violent dismissal of her household was resented as a personal affront by the king of France. He refused to admit to his presence secretary Carleton, who had been sent by Charles to excuse or vindicate his conduct: he even talked of doing himself and his sister justice by the sword. But war was averted by the prudence of Bassompierre, who came to England in the quality of ambassador extraordinary. He found the king and queen highly exasperated against each other: by argument and intreaty he induced them both to yield; a new establishment was formed,

Nov. 26. partly of French, but principally of English servants; a bishop, a confessor and his companion, and ten priests, provided they were neither jesuits nor oratorians, were allowed; and in addition to the chapel originally prepared for the infanta at St. James's, it was agreed that another should be built for the queen's use at Somerset House. This arrangement restored harmony between the royal couple. Charles congratulated himself on the dutiful and affectionate behaviour of his wife; and Henrietta soon obtained considerable influence over the heart, and even the judgment of her husband.[45]

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[44] Ellis, iii. 238—247.

[45] Memoirs de Bassompiere, iii. 285—315. Hardwicke papers,

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Of the causes of dissension.

3°. From the removal of the queen's servants, Bassompierre passed to the treatment of the English catholics. Charles had bound himself to grant them every indulgence in his power, and yet he had let loose the pursuivants, and had enforced the penal laws against them. Of this, as a breach of the treaty, Louis had a right to complain: but the king, whose pride refused to plead the real cause, the necessity of yielding to the religious prepossessions of his subjects, contended that the treaty was "one of state, not of religion," and that the promise of indulgence was introduced "simply as a matter of form, to satisfy the pope and the catholics of France," but without any intention on either side that it must necessarily be carried into execu-

ii. 14. One of the chief charges against the clergy attending the queen was, that they compelled her to go in procession to Tyburn, and to pray on the spot where the gunpowder conspirators had been executed. Charles in his instructions to Carleton, merely says, "they made her go to Tyburn in devotion to pray." Bib. Reg. 219. The council in their answer to Bassompierre, that "they led her a "long way on foot, to go in devotion to a place where it has been "the custom to execute criminals." Memoirs of Bassom. App. 138. The reader will be surprised to learn that this charge, so confidently made, is met by the ambassador with an absolute denial, and an assertion, moreover, that the lords who made it, knew it to be false. "Je scay assurement, Messieurs, que vous ne croiz pas ce que vous "publiez aux autres pour leur faire croire," &c. The fact, he tells them, was, that the queen, on the evening of a sultry day, had taken, with her attendants, the same walk through St. James's park and Hyde park, which she had often before taken with the king. As to the procession, the approaching to the gallows, the prayers, &c. they were all fictions invented by her enemies. See Bassompierre's answer. Ibid. 145, 146.

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Nov. 27.

tion. He was, however, willing to forbid the employment of the pursuivants for the future, and to deliver into the hands of Bassompierre all the priests, seventeen in number, who had been committed to the prisons of the metropolis. With this concession the ambassador professed himself satisfied.[46]

It is evident that in these instances the king of France was the party aggrieved: for the cause of the war we must discover some provocation in which he was the real or supposed aggressor. When Charles first solicited the hand of Henrietta, he clearly foresaw that by marrying one catholic princess he and his favourite would risk all that popularity, which they had earned by rejecting the other: but he trusted to silence the adversaries of the match by prevailing on Louis to join him in opposing the house of Austria, and procuring the restoration of the Palatinate to his unfortunate brother-in-law. With this view the English negociators had

[46] Bassompiere, App. 139. 151. Rym. xviii. 801. The chief excuse for the non-performance of the article in favour of the catholics, was, that it was signed merely for form sake, and to impose on the pope. It is true that this was suggested in the commencement of the treaty of the marriage; but that before the signature of the king was affixed to the "escrit secret," on the 12th of December, it was understood to be binding, is evident from a letter of the earls of Carlisle and Holland of the sixth of November. (Clarendon papers, ii. App. xv.); and Charles himself ratified it two months after the marriage, on the 18th of July, when there could no longer be any necessity of imposing on the pope. Memoirs of Bassompierre, App. 133.

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insisted that a treaty of alliance defensive and offensive should accompany the treaty of marriage: but they were outwitted by the arts or the duplicity of the French minister; and when the subject was resumed after the nuptials, the proposal was at first evaded, at last peremptorily refused. Thus the king found himself deprived of the benefit which he had anticipated from the match; and the proceedings in parliament convinced him that he had entailed on himself and his favourite the evil which he feared. Stung with the disappointment, and eager to regain his popularity, he determined to prove his attachment to the protestant interest by assuming the protection of the protestants in opposition to their sovereign. The reader has seen that this project was at first defeated by the restoration of peace between Louis and his revolted subjects. Charles, however, appeared as mediator, though the French cabinet disclaimed his interference: he promised the protestants to watch over the execution of the treaty, and assured them that he would employ the whole force of his kingdom in the preservation of their liberties, which were intimately connected with the interests of his own dominions.

Intrigues with the French protestants.

In the two succeeding years the embarrassments of the king, as the reader will have noticed, increased a hundred fold. His pecuniary wants were multiplied; his parliament grew more stubborn; his plans for the recovery

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of the Palatinate were defeated by the reverses of his allies. The original cause of all these evils was in his estimation, to be discovered in the perfidy of the French cabinet. Their refusal of the promised alliance had deprived him of the confidence of the nation, and had compelled him to sacrifice more than a million of money, more than 10,000 of his subjects in useless subsidies and expeditions.[47] In this temper of mind he lent a willing ear to the interested suggestion of an abbé, the emissary of the discontented party in France: Devic and Montague were dispatched on a mission to the French protestants, and Soubize and Brancard were received as their accredited agents in England. The result of their combined councils was that Charles should send an army to Rochelle, and Rohan should join it with 4,000 men: that the king should announce his determination to preserve the liberties of the reformed churches, and the duke should summon his brethren to rally round the standard of their deliverer. Men, however, would not believe that the English monarch was actuated solely by religious zeal or personal resentment. Hints were thrown out of the establishment of a protestant state between the Loire and the Garonne; or of the creation of an independent

[47] See the reply of the commissioners to Bassompierre, in the English Memoirs, App. 141.

principality in favour of Buckingham. That such delusions might haunt the day-dreams of the king and his favourite, is possible; but nothing more can be collected from their correspondence, than that their ostensible was not their principal object. There lay something behind, the disclosure of which might prove an obstacle to its accomplishment.[48]

On account of the war with Spain, letters of marque had been issued to the English cruisers, and the merchantmen of every nation were swept into the English ports, under the pretence that they might have Spanish property on board. The Hanse Towns, the states of Holland and the king of Denmark remonstrated in the most forcible language: Louis did not only remonstrate; to secure indemnification he laid an embargo on all English ships in the French harbours. A long and tedious succession of complaints and recriminations followed; promises were made and broken on both sides; and as often as harmony seemed to be restored it was again interrupted by some accidental seizure, or pretended measure of precaution. At last both kings, as if it had been by mutual

[48] Charles had sent away the Danish ambassadors well satisfied, but without discovering his intentions. "For," he adds, "I think "it needless, or rather hurtful, to discover my main intent in this "business, because divulging it, in my mind, must needs hazard "it." Hardwicke pap. ii. 18.

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compact, signed on the same day an order for the suspension of all commercial intercourse between the two nations.[49]

May 8.

Buckingham appears before Rochelle.

Whatever might be the secret intention of Charles, the French council entertained at this moment no suspicion of hostilities. The armament collected in the English ports, though it amounted to a hundred sail, did not furnish any legitimate ground of alarm. It was said to be destined against Spain, and the existing war with that power, in addition to the necessity of wiping away the disgrace incurred by the late expedition, gave an air of probability to the report. Buckingham took the command; his public commission ordered him to employ the fleet in the service of the prince Palatine; but in obedience to private instructions, he directed his course to La Rochelle, and demanded admission within the harbour. The inhabitants hesitated. Ignorant of the design, they had made no preparation for war: and alarmed by the superiority of his force, they feared to give themselves a master. Their answer was, that they must have time to collect the harvest, and to consult the other churches of the protestant union.

1627. Jan. 27.

July 11.

Descent of the isle of Rhé.

From Rochelle Buckingham directed his attention to the neighbouring islands of Rhé

[49] Rym. xviii. 188. 222. 259. 802. 825. 860. 891. Dumont, v. part ii. 506.

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and Oleron, the first of which offered the richer reward, the other the more easy conquest. He had soon made his choice: a descent was effected on the isle of Rhé, and the enemy learned in a short, but sanguinary action, to respect the courage of the invaders. The governor Toiras had been surprised; but the English commander, whether it was through ignorance or incapacity, loitered five days on the same spot, and the Frenchman improved the delay to provision the castle of St. Martin, his principal fortress, strongly situated on a rocky eminence at the bottom of the bay. It was resolved to besiege it in form: trenches were dug, batteries raised, and a boom was thrown across the entrance of the harbour. These works excited the disapprobation and remonstrance of Burrough, a general officer, who had spent the better part of his life in the wars of Flanders: but his freedom was chastised with a reprimand which silenced his more obsequious colleagues in the council. In a few days a random shot deprived Burrough of life, and liberated Buckingham from the control of an able but unwelcome adviser.

July 12.

July 17.

The news of this unexpected enterprise created alarm and embarrassment in the states, in the prince Palatine, and the king of Denmark. They bitterly complained to Charles that their hopes and resources were extinguished by this

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unhappy contest between their two most powerful allies; nor would they admit of the validity of his reasonings, that honour compelled him to take up arms in defence of the French protestants, whose privileges, confirmed to them under his mediation, had been recently infringed. They offered their good services to restore the former harmony between the two crowns; he replied, that though he should not refuse, he would not seek a reconciliation. The ambassadors of Denmark hastened to Paris to sound the disposition of the French ministry: the Hollanders deprived of their commissions all the English officers in the Dutch service who had joined the expedition.[50]

Revolt of the protestants.

In the mean time Buckingham published a manifesto in vindication of his proceedings. He declared that the king of Great Britain had no intentions of conquest: that he had taken up arms not as a principal in the war, but as an ally of the churches of France. Charles had mediated the peace between Louis and his protestant subjects: he had guaranteed to the latter the faithful observance of the articles, and the grant of additional favours. Yet fort Louis, in the vicinity of Rochelle, had not been dismantled: plots for the surprise of the town had been encouraged, and a secret resolution had been taken to reduce it by open force. In

[50] Hardwicke papers, ii. 17. 19. Carleton's letters. xv—xix.

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such circumstances the king could not sit a quiet spectator of the ruin of his protestant brethren. Honour bound him to vindicate their rights and liberties by arms: otherwise he might have been accused of aiding to deceive those whom it was his interest and his duty to protect.[51]

With this declaration in his hand, a declaration of which the grounds were questionable, the reasoning inconclusive, Rohan visited the churches in the south of France. His presence and his harangues excited a general enthusiasm throughout the union: all who refused to swear that they would live and die with the English, were pronounced traitors to their religion: and Rohan received authority to raise forces, and to employ them for the benefit of the common cause. The Rochellois were the last to declare themselves. The menacing attitude of the French troops collected in their neighbourhood inspired a salutary terror: it was removed by the combined assurances of Buckingham and Rohan, and the standard of revolt floated for the last time upon their walls.[52]

Retreat from Rhé. Sept. 28.

Little of interest occurred in the isle of Rhé before the eleventh week of the siege, when a flotilla of fourteen sail burst through the boom, and revictualled the fortress. This untoward

[51] Bibliotheca Regia, 224—229.

[52] Supplement au Traité dogmatique et historique des edits, 507.

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event depressed the spirits of the besiegers. The colonels unanimously signed a paper, advising an immediate retreat: while the deputies from Rochelle conjured the duke with tears not to abandon them to the vengeance of their sovereign. He wavered from one project to another. This day he cannonaded the walls; the next he dismounted the batteries.

Oct. 27. The earl of Holland brought him a reinforcement of 1500 men; the Rochellois added 800 more: he ordered a general assault; and the failure of the attempt, with the loss of the assailants, augmented the despondency of the troops, and induced the general to abandon the enterprize.

It was, however, no longer an easy matter to depart. Marshal Schomberg, with a numerous corps, had interposed between the camp and the place of embarkation; and the army was compelled to march along a narrow cause-

Oct. 29. way, which led across the marshes to the bridge, connecting the small isle of Oie to that of Rhé. Unfortunately the cavalry, which covered the retreat, was broken by the enemy: the confusion on the causeway became irreparable; and the number of the drowned exceeded that of the slain. Buckingham is said to have lost 2000 men on that day. The French, however, were unable to force a passage over the bridge, and the remnant of the army embarked without molestation. The duke was the last

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to leave the beach: personal courage proved to be the only military qualification, with the absence of which he was not reproached by his opponents.[53] Oct. 30.

Charles received the unfortunate general with a cheerful countenance and undiminished affection. He had even the generosity to transfer the blame from Buckingham to himself, and to give out, that the failure was owing to the want of supplies, which it was his own duty to have provided. But in a few days he was assailed by the complaints and entreaties of the Rochellois. At his solicitation they had risen in arms, he was bound in honour to afford them protection: the French army was ready to form the siege of the town; and without powerful aid they must become the victims of their credulity. Charles consoled and encouraged them; he promised never to abandon their cause, till the forts erected around Rochelle were razed to the ground; he bound himself by a solemn instrument to enter into no treaty to which they were not parties, and to accept of no conditions which did not secure to them the enjoyment of their ancient liberties.[54] 1628. Jan. 18.

The king now called on his council to determine the important question, by what means A parliament called.

[53] Hardwicke papers, ii. 13—20. 23—51. Mercure Francois, xiii. 835. Herbert, expeditio in Ream Insulam. Isnard, Arcis Sam. Martinianæ Obsidio. Ellis, iii. 251. Strafforde papers, i. 41.

[54] Dumont, v. part ii. 538.

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money might be raised for another expedition, whether in the ancient way, by grant of parliament, or according to the precedent of the last year, by virtue of the prerogative. From parliament Charles anticipated nothing but petitions, remonstrances and impeachments: in a
Jan. 29. forced loan his advisers saw a strong provocation to resistance and rebellion. He suffered himself to be persuaded, and a parliament was summoned; but in the course of the week a new plan obtained the royal approbation. The sum of £173,411, the charge for the outfit of the intended expedition, was apportioned among the several counties: commissioners were appointed to collect it within the space of three weeks; and the people were admonished, that, if the money were dutifully paid, the king would meet the parliament, if not, "he would think "of some more speedy way." This attempt threw the whole nation into a ferment. The expression of the public discontent appalled the boldest of the ministers; and the commission
Feb. 16. was revoked by proclamation, with a promise, "that the king would rely on the love of his "people in parliament." Yet a fortnight did not elapse before he imposed new duties on mer-
Feb. 28, chandise by his own authority, and then recalled them on the declaration of the judges, that they were illegal.[55] Such vacillating conduct, the

[55] Somers' Tracts, iv. 100—104. Prynne, Hidden Works, 86. Bib. Regia, 294. Rym. xviii. 967.

adoption and rejection of such arbitrary measures, served only to excite in the nation two different feelings, both equally dangerous to the sovereign, disaffection and contempt.

Its proceedings.

Never before had parliament assembled under auspices more favourable to the cause of freedom. The sense of the nation had been loudly proclaimed by the elections, which had generally fallen on persons distinguished by their recent opposition to the court: it was the interest of the lords to co-operate with men who sought the protection of private property and personal liberty; and the same necessity, which had compelled the king to summon a parliament, placed him without resource at the mercy of his subjects. Charles himself saw the propriety of sacrificing his resentments, that he might propitiate the public feeling. All the gentlemen, seventy-eight in number, who, on account of their resistance to the forced loan, had been put under restraint, recovered their liberty: archbishop Abbot (he lay under suspension for refusing to license, at the king's command, a political sermon,[56]) was restored to

[56] This sermon had been preached by Dr. Sibthorpe at the Lent assizes at Northampton, and had for its object to prove the legality of the forced loan. To give it greater authority, it was wished to have it printed with the license of the metropolitan. On his refusal, it was licensed by Dr. Laud, now made bishop of London, and Abbot was suspended or sequestered on the 9th of October. See the sentence, with his own narrative of the proceedings, in Rushworth, i. 435—461.

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the exercise of his authority; and not only Williams, whom Buckingham's resentment had consigned to the Tower, but even that obnoxious nobleman the earl of Bristol, though under an impeachment of high treason, received permission to take their seats in the upper house. Yet the obstinacy of the king was not subdued: though he had consented to make the trial of a new parliament, he was not prepared to yield to its pretensions; and his speech from the throne was calculated more to irritate than to allay the jealousy of those who trembled for the liberties of their country. "I have called you

March 17. "together," he said, "judging a parliament to "be the ancient, speediest, and best way to "give such supply as to secure ourselves and "save our friends from imminent ruin. Every "man must now do according to his conscience: "wherefore, if you (which God forbid) should "not do your duties in contributing what this "state at this time needs, I must, in discharge "of my conscience, use those other means "which God hath put into my hands, to save "that which the follies of other men may other-"wise hazard to lose. Take not this as threat-"ening (I scorn to threaten any but my equals,) "but as an admonition from him, that both out "of nature and duty hath most care of your "preservations and prosperities."[57]

[57] Journals, 687.

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Warned by these words, of the temper of their sovereign, the leaders of the country party conducted their proceedings with the most consummate address. They advanced step by step, first resolving to grant a supply, then fixing it at the tempting amount of five subsidies, and, lastly, agreeing that the whole should be paid within the short space of twelve months. But no art, no entreaty, could prevail on them to pass their resolution in the shape of a bill. It was held out as a lure to the king; it was gradually brought nearer and nearer to his grasp; but they still refused to surrender their hold; they required as a previous condition, that he should give his assent to those liberties which they claimed as the birthright of Englishmen.

Petition of right.

In the last year, five of the prisoners on account of the loan had been, at their own request, brought, by writ of habeas corpus, before the king's bench. As the return, though it stated that they had been committed at the especial command of the king, assigned no particular cause, their council contended that they ought to be discharged, or at least admitted to bail: but the court refused to allow the exceptions taken in their favour, and remanded them to their respective prisons. This subject was taken up in the house of commons, and the four following resolutions were passed, without a dissenting voice even on the part of the courtiers: 1°. that no freeman ought

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to be restrained or imprisoned, unless some lawful cause of such restraint or imprisonment be expressed: 2°. that the writ of habeas corpus ought to be granted to every man imprisoned or restrained, though it be at the command of the king or the privy council, if he pray for the same: 3°. that when the return expresses no cause of commitment or restraint, the party ought to be delivered or bailed: 4°. that it is the ancient and undoubted right of every freeman, that he hath a full and absolute property in his goods and estate, and that no tax, loan, or benevolence ought to be levied by the king or his ministers, without common consent by act of parliament.[58]

April 3.

The power of arresting and confining, without designment of cause or intention of trial, was an engine of such powerful efficacy in the hands of government, that the king determined not to surrender it without a struggle; and since it had been frequently exercised by his predecessors, he chose it, as the most proper question on which he might try his strength in the house of lords. When the resolutions were brought before them, the point was argued by the attorney general and king's counsel, on the part of the crown, and by several members of the lower house, on that of the commons. The controversy ultimately resolved itself into this question: Was it requisite, in the case of a com-

[58] Journals, Ap. 3. May 8. 26. June 10. 21.

mitment by the king, that the cause should appear on the face of the warrant? The pleadings occupied several days, and much ingenuity and learning were displayed by the contending advocates. To me, if a person unacquainted with the subtleties and obscurities of the law may venture to pronounce an opinion, it appears that the weight of precedent as well as of argument lay in favour of the resolutions.[59]

It would fatigue the patience of the reader to detail the numerous expedients by which Charles, during the space of two months, laboured to lull the suspicions, or weary out the perseverance of his opponents. At length May 28. they solicited his assent to the celebrated peti

[59] The pleadings occupy more than thirty pages in the Journals, 717—731. 746—763. One argument adduced in favour of the crown by the attorney general is deserving of notice. He told the lords, that in the reign of Elizabeth, "O'Donnel, an archrebel in Ireland, was "slain, and his sons being then infants, were brought over to England, "committed to the Tower, and lived there all their lives after." "Now," he asks, "admit that these were brought to the king's "bench by habeas corpus, and the cause returned, what cause could "there be which would hold good in law? They themselves neither "had done, nor could do, any offence. They were brought over in "their infancy: yet would any man say that it were safe, that it were "fit, to deliver such persons?" This argument discloses an instance of that cruel despotism which was occasionally exercised by Elizabeth's ministers: but what will the reader think of the unfeeling bigotry of sir Edward Coke, who, in his reply to the attorney general, noticing this argument, says, "O'Donnel's children lost nothing by "being confined all their lives in the Tower. They were brought up "protestants: had they been discharged, they would have been "catholics. Periissent, nisi periissent." Journals, 756. 761.

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tion of right. It began by enumerating the following abuses of the sovereign authority: 1°. that contrary to magna charta and several other statutes, freemen had been required to lend money to the king, and on their refusal had been molested with oaths, recognizances, and arrests: 2°. that several persons had been committed to restraint by command of the king, and when they were brought before the judges by writs of habeas corpus, had been remanded, though no cause of commitment were assigned: 3°. that in many places soldiers had been billetted in the private houses of the inhabitants, to their great grievance and molestation: 4°. and that several commissions had been issued, empowering certain persons to punish by the summary process of martial law, the offences committed by soldiers, mariners, and their accomplices, though these offences ought to have been investigated and tried in the usual courts of law. It then prayed, that all such proceedings should cease, and never afterwards be drawn into precedents, "as being contrary to the "rights and liberties of the subject, and the "laws and statutes of the nation."[60]

[60] Commons, Ap. 28.—June 2. Lords, 768—835. At the same time the commons prosecuted Dr. Manwaring for three political sermons; two preached before the king, and the third in the parish church of St. Giles's. In these he had represented him not as a limited but an absolute monarch. The lords condemned Manwaring to imprisonment during the pleasure of the house, to a fine of £1000, to make his submission personally at the bars of both houses, to be

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The king dissembles.

Charles was at a loss what answer to return. To refuse was to forfeit the five subsidies, and to condemn himself to a state of irremediable want: and to assent was in his opinion to surrender his most valuable rights—to throw away the brightest jewels in his crown. He resolved to dissemble: and his subsequent conduct during the session was formed on a studied plan of hypocrisy and deceit. He ordered the following answer to be written under the petition: "The king willeth that right be June 2. "done according to the laws and customs of "the realm, and the statutes be put in due "execution; that his subjects may have no "cause to complain of any wrong or oppression "contrary to their just rights and liberties, to "the preservation whereof he holds himself as "well obliged as of his prerogative."[61]

To the patriots, whose hopes had been wound up to the highest pitch, this answer, so evasive and obscure, proved a cruel disappointment. They indulged in the most passionate invective. One saw in it the hand of God visi- June 5. bly chastising the sins of the people; another called on the house to save the nation tottering on the brink of ruin; a third was on the point

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suspended for three years, and to be deemed incapable of holding any office, ecclesiastical or civil, or of ever preaching again before the court. Journals, 848. 853. 855. 870. Commons, May 14. June 4. 11. 14. 21.

[61] Journals, 835.

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of naming a certain favourite, when the speaker, starting from the chair, forbade him to proceed, because the king had commanded him, on his allegiance, to prevent such insinuations. A deep and mournful silence ensued; it was broken by sir Nathaniel Rich; Rich was followed by Philips, Prynne, and Coke, with speeches strongly expressive of their feelings, and repeatedly interrupted by their tears. The house at length ordered the doors to be locked, and resolved itself into a committee, to consult on the means of saving the nation. But the speaker, having obtained leave of absence, hastened to the king; and after a conference of three hours, returned with orders for an immediate adjournment. Had he come a few minutes later, Buckingham would have been voted "the grievance of grievances," the chief cause of all the calamities which afflicted the kingdom.[62]

And passes it.

The next day the debate was resumed: on the third the house, at the suggestion of the

June 6.

lords, joined in an address to the king for a more explicit answer to their petition. The danger of his favourite had overcome his re-

June 7.

luctance. Taking his seat on the throne, he ordered the former answer to be cut off, and the following to be subscribed: "Let right be "done as is desired." "Now," he added, "I

[62] Rushworth, i. 613—622. Journals, June 5.

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" have performed my part. If this parliament " have not a happy conclusion, the sin is yours. " I am free of it." This short speech was received with loud and grateful acclamations. The people partook of the feelings of their representatives: to the gloom which had overspread the country succeeded a delirium of joy and congratulation; and the two houses, to testify their satisfaction, hastened to present to their sovereign the five subsidies of the laity, and to pass the bill for five other subsidies granted by the clergy.[63]

Prorogation of parliament.

By moderate men it was hoped that the patriot leaders, content with this victory, would spare the king any additional mortification. But success enlarged their views, and invigorated their efforts. After several long debates, they presented to him a remonstrance, describing the evils which afflicted, and the dangers which threatened, the kingdom. Religion was undermined by popery and arminianism: the reputation of the country had been tarnished, and its resources exhausted by a series of unadvised and inglorious expeditions: the dominion of the narrow seas was lost, the shipping of the kingdom diminished, its trade and commerce annihilated. Of these evils, the principal cause, in their opinion, was the excessive power exercised and abused by the

June 17.

[63] Journals of Lords, 843; of Commons, June 6, 7, 8, 12.

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duke of Buckingham. Wherefore, they humbly submitted to the consideration of his majesty, whether it were consistent with his safety, or the safety of the realm, that the author of so many calamities should continue to hold office, or to remain near his sacred person.[64]

They were fully aware of the angry feelings which such a remonstrance would awaken in the royal breast: but the vote of tonnage and poundage had not yet passed; and, it was supposed that Charles would submit to any concession, rather than forfeit the most productive branch of the revenue. They soon

June 25. learned their mistake, and hastily framed a second address, to remind him, that by the petition of right he was precluded from levying duties on merchandize, without the previous

June 26. consent of parliament. It had just been engrossed, and the clerk was employed in reading it at the table, when at nine in the morning, they received a summons to attend in the other house. Charles was seated on the throne. Adverting to the purport of their intended address, he took occasion to explain away all that he had appeared to concede in the petition of right. "Both houses," he observed, "professed that they meant not to intrench on "my prerogative. Therefore, it must needs

[64] Rushworth, i. 631. Journals, June 11. 14. 16. 17.

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" be conceived, that I have granted no new, " but only confirmed the ancient liberties of my " subjects. Yet I do not repent, nor recede " from any thing I have promised : and I here " declare, that those things whereby men had " cause to suspect the liberty of the subject to " be trenched upon, shall not hereafter be " drawn into example for your prejudice. " But, as for tonnage and poundage, it is a thing " I cannot want. It was never intended by you " to ask, and never meant (I am sure) by me to " grant." He then gave the royal assent to the bills of subsidy, and instantly prorogued the parliament.[65]

Advantages gained by the country party.

Thus ended this eventful session, one of the most memorable in our history. The patriots may have been occasionally intemperate in their warmth, and extravagant in their predictions ; but their labours have entitled them to the gratitude of posterity. They extorted from the king the recognition of the rights which he had so wantonly violated, and fixed on a firm and permanent basis the liberties of the nation. It is, indeed, true, that these liberties were subsequently invaded—that again and again they were trampled in the dust, But " the peti- " tion of right" survived, to bear evidence against the encroachments of the prerogative. To it the people always appealed ; to

[65] Journals of Lords, 879 ; of Commons, June 25, 26. Rushworth, i. 640—643.

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it the crown was ultimately compelled to submit.

It must not, however, be forgotten, that these men, so eager in the pursuit of civil, were the fiercest enemies of religious freedom. "What "illegal proceedings," exclaimed sir Robert Phillips, "our estates and persons have suffer- "ed under, my heart yearns to think, my "tongue faulters to utter. They have been "well represented by divers worthy gentlemen "before me. Yet one grievance, and the main "one as I conceive, hath not been touched, "which is, our religion: religion made vendible "by commission, and men for pecuniary annual "rates dispensed withal, whereby papists may, "without fear of law, practise their idolatry, March 31. "scoff at parliaments, law and all." The result of this and of similar harangues, was a petition to the king, which, besides the accustomed prayer for the execution of the penal laws, begged that priests returned from banishment might be put to death, that compositions for recusancy, that "mystery of iniquity "amounting to a concealed toleration," might be abolished, and that "for the clear eradication "of popery, and the raising up of a holy gene- "ration, the children of recusants might be "educated in the principles of protestantism." Charles returned a gracious answer, observing, that if he had hitherto granted indulgence to the catholics, it was with the hope that the ca-

tholic princes would extend similar indulgence to their protestant subjects: and that, if he did not soon meet with such a return, he would even add to the severity of that treatment, which had now been recommended by the two houses.[66]

Political apostacy.

Before I dismiss the history of this session, it may be proper to notice two instances of political apostacy, of that dereliction of principle for the sake of rank or office, which, since this period, has been so frequently imitated by public men. In former times the crown disdained to purchase the services of its opponents: it was able to bear them down to the ground by the sole weight of the prerogative. But experience had taught the favourite that the temper of the times and the power of the sovereign were changed: and in order to break the strength of his adversaries, he sought to seduce the most efficient members from their ranks, by the lure of honours and emoluments. Sir John Savile and sir Thomas Wentworth were men of considerable property in Yorkshire: they had long been rivals, and by their influence divided the county between them. Both had tasted of the royal favour, and both had incurred the royal resentment. At the close of the last parliament, Cottington had induced Savile to desert his friends, and to accept the rank of privy counsellor, with the office of comptroller of the

[66] Journals, 713, 714. Commons, App. i. 8.

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household. Wentworth had more deeply offended. He had been appointed sheriff to prevent his sitting in the house, had been deprived of the office of custos rotulorum, and had been imprisoned for his refusal to subscribe to the loan. Yet his patriotism was not proof against the smile of the sovereign. He solicited a reconciliation with Buckingham, and soon after the prorogation it was effected, through the agency of sir Richard Weston. On one day Savile was created a baron, on the next Wentworth was raised to the same dignity; but the abilities or flattery of the latter gave him the victory over his competitor; and by the end of the year he obtained, with the rank of viscount, the office of lord president of the north.[67]

The contestations in which Charles was engaged with his parliament, did not render him unmindful of the danger of Rochelle. The French minister had resolved to reduce a race of men, who for half a century had braved the authority of the sovereign; and for this purpose he had collected all the power of France to bear at once upon the devoted town. Louis himself, and during the absence of Louis, Richelieu, commanded the siege. Two armies were employed to cut off all communication with the protestants of the interior, and a mole of stupendous magnitude, which daily advanced from

[67] Rym. xix. 34, 35.

the opposite sides towards the middle of the harbour, threatened in a short time to exclude the expected succours from England. The Rochellois importuned the king with representations of their present misery, and predictions of their approaching ruin: shame and pity urged him not to abandon those who had precipitated themselves into danger through confidence in his promises; and the earl of Denbigh, with a numerous fleet, sailed from Plymouth to their relief. The merit of Denbigh consisted in his marriage with a sister of the favourite: perhaps he only held the command till the prorogation would allow it to be assumed by Buckingham: at least he attempted nothing, but having remained seven days in presence of the enemy, returned to England.

On the same day on which Buckingham had been pronounced the cause of the national calamities in the house of commons, Dr. Lamb, his physician and dependent, was murdered by a mob in the streets of London. Soon afterwards a placard was affixed to the walls, in these words, "Who rules the kingdom? "The king. Who rules the king? The duke. "Who rules the duke? The devil. Let the "duke look to it, or he will be served as his "doctor was served." He had too much spirit to notice such a menace. The fleet was victualled and reinforced: a more numerous body

June 13.

June 19.

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of troops embarked; and Buckingham hastened to take the command.[67]

But, notwithstanding these preparations, his object was not to fight, but to negociate. The continental allies of the two sovereigns viewed with real concern the prolongation of a contest, which served to no other purpose than to confirm the Austrian ascendency in the empire. The task of commencing a reconciliation was entrusted to the Venetian ambassadors at the two courts. They found each monarch willing to admit, but too proud to propose, an accommodation. Expedients were suggested to meet the difficulty: Charles and the duke held repeated conferences with the ambassador; and it was agreed that Buckingham should sail with the expedition to Rochelle, that he should open a correspondence on some irrelevant subject with Richelieu; and that this should lead, by accident as it were, to a public treaty. His instructions were drawn and delivered to secretary Carleton, who arrived with them at Portsmouth just in time to witness his assassination.[68]

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[67] Ellis, iii. 252. Kennet, iii. 45. Rushworth, i. 630.

[68] Carleton's Letters, xxi. I may here mention a most singular treaty recently concluded between Buckingham and the king of Sweden. When the duke was in Spain, he had received, from a discontented Spanish secretary, a plan to seize the island of Jamaica, and to discover certain gold mines in the mountains, and on the American continent. Gustavus Adolphus bound himself to support Buckingham in his conquest, and to acknowledge him for an inde-

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Assassination of the duke.

In the morning, after a sharp debate with some of the French refugees, the duke left his dressing room to proceed to his carriage. He had entered the hall, when colonel Friar whispered in his ear. He turned to listen, and at the moment received a wound in the left breast from a knife, which was left sticking in his heart. Exclaiming the word "villain," he plucked it out, staggered backwards a few steps, and falling against a table, was caught in the arms of his attendants. They thought it had been a stroke of apoplexy: but the blood which gushed from his mouth and from the wound, convinced them of their mistake. The noise was heard by the duchess in her bed-chamber. With his sister the countess of Anglesea, she ran into the gallery, and saw her lord below, weltering in his blood.

In the confusion which followed, it was with difficulty that the French gentlemen escaped the vengeance of those, who suspected them of the murder. The real assassin slunk away to the kitchen, where he might have remained unnoticed in the crowd, had he not on a sudden alarm, drawn his sword and exclaimed, "I am the man." He would have met with the death which he sought, had not Carleton and Marten

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pendent prince, on condition that he and his heirs for ever should pay to the kings of Sweden one tenth part of the produce of the mines. Signed Mar 8, 1628. Clarendon papers, i. 18.

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saved his life, that they might inquire into his motives, and discover his accomplices. About his person was found a paper, on which he had written, "That man is Cowardly base and de- "serveth not the name of a gentleman o^r Soul- "dier that is not willinge to sacrifice his life "for the honor of his God his Kinge and his "Countrie. Lett noe man commend me for "doeinge of it, but rather discommend them- "selves, as the ca^use of it, for if God had not "taken o^r harts for o^r sinnes he would not haue "gone so long vnpunished. Jo felton."

He said that his name was Felton: that he was a protestant, that he had been a lieutenant in the army, but had retired from the service, because on two occasions junior officers had been advanced over his head, and the sum of eighty pounds, the arrears of his pay, had been withheld: and that the remonstrance of the house of commons had convinced him that Buckingham was the cause of the national calamities, and that to bereave him of life was to serve his God, his king, and his country. When he was told that the duke still lived, he answered with a sarcastic smile, that it could not be, the wound was mortal: to those who reproached him with the guilt of murder, he replied that "in his soul and conscience he "believed the remonstrance to be a sufficient "warrant for his conduct:" and being demanded who were his instigators and accomplices, he

exclaimed, that the merit and the glory were exclusively his own. He had travelled seventy miles to do the deed, and by it he had saved his country. Otherwise he felt no enmity to the duke. Even as he struck, he had prayed, "May God have mercy on thy soul."[69]

Thus perished at the early age of six and thirty, George Villiers, duke of Buckingham, lord high treasurer of England. That in addition to a graceful person, he possessed many fascinating qualities, is evident from the hold which he retained on the affections of two succeeding monarchs, whose partiality was never satisfied with heaping upon him wealth, and offices, and honours. But his abilities were not equal to his fortune: nor had he the wisdom to supply the deficiency by the aid of an able and disinterested counsellor. Proud of the attachment of his sovereign, he scorned to seek a friend among his equals: and the advisers whom he met at the council board and in his closet were his own dependents, men, who, as they existed

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[69] We have several accounts of the duke's assassination by his contemporaries. See Clarendon, i. 27. Howell's Letters, 203. Wotton's Reliquiæ, 112. I have preferred that by secretary Carleton, who was present. It has been lately published by Mr. Ellis, in his valuable collection of original letters, iii. 256—260. For the correct copy of Felton's paper I am indebted to the politeness of Mr. Upcott, of the London Institution, whose most valuable collection contains the original document. At the foot of it is written in another hand, but evidently at the same time, "A note found about ffelton, when he killed the Duke of Buckingham, 23d Aug. 1628."

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by the smile, were careful to flatter the caprice of their patron. Hence he persevered in the same course to the end, urging the king to trample on the liberties, braving himself the indignation of the people. But he had already passed the meridian of his greatness; the commons had pronounced him the bane of his country; and it is doubtful whether the power of Charles could have screened him from the keen pursuit of his enemies. If he had escaped the knife of the assassin, he would probably have fallen by the axe of the executioner.

The king, who lay at a private house in the neighbourhood of Portsmouth, received the announcement of this tragic event with a serenity of countenance, which, in those who were unacquainted with his character, excited a suspicion that he was not sorry to be freed from a minister so hateful to the majority of the nation. But Charles lamented his murdered favourite with real affection. If he mastered his feelings in public, he indulged them with greater freedom in private: he carefully marked and remembered the conduct of all around him; he took the widow and children of Buckingham under his special protection; he paid his debts, amounting to £61,000; he styled him the martyr of his sovereign, and ordered his remains to be deposited among the ashes of the
Sept. 17. illustrious dead in Westminster abbey.[70]

[70] Clarendon, i. 30. Ellis, 259. His body, to prevent insult,

Punishment of the assassin.

The assassin, though repeatedly interrogated, persisted in his former story, that he had no associate, that patriotism had guided his arm, and that religion sanctioned the stroke. When the earl of Dorset threatened him with the torture, "I am ready," he replied; "yet I "must tell you by the way, that I will then ac- "cuse you, my lord of Dorset, and no one but "yourself." Charles was desirous that he should be put on the rack—but the late proceedings in parliament had taught the judges Nov. 13. a salutary lesson, and they unanimously replied, that torture was not justifiable, according to the law of England. Nov. 27. At the bar, Felton pleaded guilty; and, stretching out his arm, exclaimed, "This is the instrument which did "the fact—this I desire may be cut off before I "suffer." He was told by the court, that he should have the law, and must be satisfied. He underwent the usual punishment of murder, confessing his delusion, and condemning his offence.[71]

Loss of Rochelle.

The king did not allow his grief for the death of Buckingham to withdraw his attention from the danger of La Rochelle. The

was buried privately in Westminster abbey, on September 17th. The next night at ten, an empty coffin was borne on the shoulders of six men from Wallingford house to the church, and followed by one hundred mourners. The whole way was lined by the trained bands. Ellis, 264, 265.

[71] Rush. i. 651. 2, 3. Howell's State Trials, ii. 367. Ellis, 266, 267. 278—282.

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command was given to the earl of Lindsey, and with him sailed Walter Montague, on a secret mission to the king of France. The hostile fleets cannonaded each other during two successive days; Montague landed, was introduced to Louis, hastened back to London, and was preparing to return, when Rochelle surrendered at discretion. To the French monarch the reduction of this town was a glorious and beneficial achievement: it put an end to that kind of independent republic which the professors of the reformed creed had erected in the heart of France, and enabled him to consolidate his extensive dominions into one powerful empire. To the king of England it furnished a source of regret and self-accusation. If one of the strongest bulwarks of the protestant interest had fallen, his was the blame, on him would rest the disgrace.[72]

1629. Jan. 30.

The nation had scarcely recovered from this shock, when the parliament re-assembled. The king, by message, ordered the commons to take the bill for tonnage and poundage into immediate consideration: but the patriots demanded the precedence for grievances, the saints for religion. The last succeeded; and

[72] Mercure Francois, xiv. 676. Rush. i. 647. Ellis, iii. 274. The Montague here mentioned was Walter, second son of the earl of Manchester. He afterwards embraced the catholic religion, was made commendatory abbot of Pontoise, and a member of the council to the queen regent, Anne of Austria. He attended her at her death.

it was resolved, that the "business of the "king of this earth should give place to the "business of the king of heaven."

Religious grievances.

In religion danger was apprehended from two sources, popery and Arminianism. Of the growth of popery an alarming instance had recently appeared. Out of ten individuals arraigned on the charge of having received orders in the church of Rome, one only had been condemned, and even his execution had been respited. Two committees were appointed, one to inquire on what grounds the judges had refused to accept a portion of the evidence tendered at the trial, another to interrogate the attorney-general by whose authority he had discharged the persons acquitted, on producing bail for their future appearance. It was ordered in addition, that each member should communicate to the house every fact which had come to his knowledge respecting attempts or warrants, to stay the execution of the laws against priests or recusants in the country.

But Arminianism, the spawn of popery as it was termed, had become a subject of greater alarm than popery itself. It was observed that Arminian prelates frequented the court: that the royal favour shone exclusively on Arminian clergymen; and that Montague, obnoxious as he was on account of the Arminian tendency of his works, had been raised to the bishopric of Chichester. In addition, Charles, as su-

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preme governor of the church, had lately published an authorized edition of the articles, containing the much disputed clause, "the "church hath power to decree rites and ceremo- "nies, and hath authority in matters of faith;" and he had ordered that no doctrine should be taught that differed from those articles, that all controversies respecting outward policy should be decided by the convocation, and that no man should presume to explain the article respecting justification contrary to its plain meaning, or to take it in any other than the literal and grammatical sense.[73] Against this declaration sir John Elliot protested in the most enthusiastic language. It was an attempt to enslave the consciences of the people, to make men dependent for their belief and worship on the pleasure of the king and the clergy. He called on the house to record its dissent; and at his persuasion an entry, styled "a vow," was made on the journals, that the commons of England "claimed, professed, and avowed "for truth, that sense of the articles of reli- "gion, which were established in parliament, "in the 13th year of Queen Elizabeth, which, "by the public acts of the church of England, "and by the general and current exposition of "the writers of that church, had been declared "unto them, and that they rejected the sense

1629. Jan. 29.

[73] Bibliotheca Regia, 213.

Petition of right.

"of the Jesuits, Arminians, and of all others, "wherein they differed from it."[74]

While the zealots laboured to inflame the religious prejudices of their colleagues, the patriots solicited the attention of the house to the petition of right. The king's printers had prepared for sale fifteen hundred copies of that important document; but Charles ordered them to be destroyed, and substituted another edition, in which the royal assent was suppressed, the evasive answer, which he had been compelled to cancel, was preserved, and the sophistical explanation which he had given at the close of the last session, was introduced. What could prevail on the king to employ an artifice so unworthy of an honest man, and yet so easy of detection, is uncertain. It branded his character with the stigma of duplicity; it taught his subjects to distrust his word, even in his legislative capacity. The orators in the commons fearlessly expressed their indignation; and Charles himself, repenting of his folly, sought an opportunity to appease the storm which his imprudence had raised. "The com- "plaint," he observed, "of staying men's goods "for tonnage and poundage, may have a short

[74] Journals, Jan. 29. The 13th of Elizabeth was selected for this reason: the legislature had ordered the clergy to subscribe the articles, and to read them in the churches, and yet neither the English nor the Latin edition of that year contained the clause respecting the authority of the church.

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" and easy conclusion. By passing the bill, as " my ancestors have had it, my past actions " will be concluded, and my future proceedings " authorized. I take not these duties as ap- " pertaining to my hereditary prerogative. It " ever was, and still is, my meaning, by the gift of " my subjects to enjoy the same. In my speech " at the end of last session, I did not challenge " them as of right, but shewed you the neces- " sity by which I was to take them, till you " had granted them, assuring myself that you " wanted only time, and not good will. So " make good your professions, and put an end " to all questions arising from the subject." This conciliating speech extorted a passing murmur of applause.

But the patriots had formed their resolution, and adhered to it with the most inflexible pertinacity. They did not, indeed, refuse to vote the duties, but they required, as a previous condition, reparation to the merchants, whose goods had been attacked by the officers of the customs. With this view, they sent a message to the chancellor and the barons of the exchequer, who, to excuse the judgments which they had given, replied, that the parties aggrieved, were not barred from their remedy by due course of law. For the same purpose, they summoned

Feb. 23. before them the farmers of the customs: but secretary Cook declared, that the king would not separate the obedience of his servants from

his own acts, nor suffer them to be punished for executing his commands. At these words, loud cries were heard from the leaders of the opposition, and the house immediately adjourned. CHAP. IV.

Tumults in the lower house. Mar. 2.

At the next meeting, sir John Elliot commenced a most passionate invective against the whole system of government, but was interrupted by the speaker, who informed the house, that he had received an order of adjournment from the king. It was replied, that by delivering the message he had performed his duty; and he was now called upon, to put to the vote a remonstrance against the levy of tonnage and poundage, without the consent of parliament. He refused, and rose to depart, but was forcibly held back by Hollis and Valentine, two members, who had purposely placed themselves on each side of the chair. He made a second attempt; the court party hastened to his aid; their opponents resisted; blows were exchanged, the doors locked, and the speaker, notwithstanding his tears, struggles, and entreaties, was compelled to remain sitting. Elliot resumed his harangue, and was followed by Hollis, who pronounced for the approbation of the house, the following protest; 1. "whosoever shall "seek to bring in popery, arminianism, or other "opinions, disagreeing from the true and ortho- "dox church, shall be reputed a capital enemy "to this kingdom and commonwealth; 2. who-

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" soever shall advise the taking of tonnage and " poundage, not being granted by parliament, " or shall be an actor or instrument therein, " shall be reputed a capital enemy to this king- " dom and government ; 3. whatever merchant " or other person shall pay tonnage and pound- " age, not being granted by parliament, shall be " reputed a betrayer of the liberties of Eng- " land, and an enemy to the same."

During this extraordinary proceeding, the king had come to the house of lords. He sent for the serjeant-at-arms, who was not permitted to obey ; he then ordered the usher of the black rod to deliver a message from his own mouth ; but that officer returned without obtaining admission ; at last he commanded the captain of the guard to break open the door ; but at the very moment, the commons adjourned to the 10th of March, according to the message previously delivered by the speaker. On that day

March 10. the king proceeded to the house of lords, and without sending for the commons dissolved the parliament.[75]

Members imprisoned.

This conduct of the lower house provoked a most bitter controversy between its partisans and those of the crown. The first contended that the king possessed no right to interfere with the office of the speaker, or to pre-

[75] For all the particulars, see the journals of both houses. Rushworth, i. 655—672. Whitelock, 12, 13.

vent him from putting any question from the chair: the others, that it was the duty of the house to suspend all proceedings, the moment that the order of adjournment was received from the sovereign. It was a question which had never been determined by authority; for though the commons had of late years challenged an exclusive right to adjourn themselves, they had been careful not to bring their claim into collision with that of the crown. By Charles himself, their disobedience was considered as little short of treason; and he pronounced it the result of a conspiracy to resist his lawful commands. By his order, March 5. the most violent of the opposition members were singled out for punishment, previously to the dissolution; and Elliot, Selden, Hollis, Hobart, Hayman, Coriton, Long, Valentine, and Stroud, after a hasty examination before the council, were committed to different prisons. At their request they were brought up by writ of habeas corpus, and demanded, in conformity with the petition of right, to be discharged or admitted to bail. The case was solemnly argued; and the court must have acceded to the prayer of the prisoners, had not Charles, on the evening before judgment was to be pronounced, secretly removed them from the custody of their keepers to the Tower.[76] It was June 24.

[76] This now became a common practice with respect to men committed by the council. "When they brought their habeas corpus,

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now necessary to wait till the next term: in the interval, his anger had leisure to cool: he listened to the representations of the judges; and the nine prisoners had notice that they might be bailed, on giving security for their good behaviour. To this they resolutely objected. It implied a previous offence: it amounted to a confession of guilt. In consequence of this obstinacy, the attorney general filed a criminal information against Elliot, Hollis, and Valentine: they refused to plead, on the ground that the court of king's bench had no right to sit in judgment on their conduct in parliament. But the objection was overruled, with the aid of this pitiful distinction, that the privilege of parliament will only cover parliamentary behaviour: where the behaviour is extra-parliamentary, it is liable to censure extra-parliamentum. The accused persisted in declining the authority of the court; and judgment was given, that all three should be imprisoned during the royal pleasure; that before their discharge they should make their submission; and that they should pay fines to the king, Elliot in £1000, Hollis in 1000 marks, and Valentine in £500.[77]

"they were removed from pursuivant to pursuivant, and could have "no benefit of the law." Whitelock, 14.

[77] Rushworth, 674—680. 689—701. Whitelock, 14. Long was prosecuted in the star-chamber, "for that he being sheriff, and by "his oath to reside within his county, did come to parliament and "reside out of his county." He was fined 2000 marks. Ibid.

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The unfortunate result of this last experiment had fixed the determination of Charles. If his opponents charged him, his ministers and judges, with a design to trample under foot the liberties of the people, he was as firmly convinced that they had conspired to despoil him of the rightful prerogatives of the crown. It was in parliament alone that they could hope to succeed: and he resolved to extinguish that hope, by governing for the future without the intervention of parliament. Nor did he make any secret of his intention. He announced it by proclamation: "We have shewed," he said, "by our frequent meeting our people, our love "to the use of parliaments; yet the late abuse "having for the present driven us unwillingly "out of that course, we shall account it pre-"sumption for any to prescribe any time unto "us for parliaments, the calling, continuing, "and dissolving of which is always in our "power, and shall be more inclineable to meet "in parliament again, when our people shall see "more clearly into our interests and actions."[78]

Plan to govern without parliament.

1629. March 22.

The king had now no favourite, in the established acceptation of the word. He retained, indeed, the counsellors whom Buckingham had placed around him: but though he listened to their advice, he was careful to determine for himself. To strengthen the administration, he

[78] Rym. xix 62.

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had recourse to the policy which had already withdrawn Savile and Wentworth from the ranks of the opposition, and resolved to tempt with the offer of favour and office the most formidable of his adversaries in the last parliament.

1630. Nov. 29.

The patriotism of sir Dudley Digges, though it had stood the test of imprisonment in the cause of the people, dissolved in the sunshine of the court, and his services were secured to the crown by a patent, granting him the mastership of the rolls in reversion. Noy and Littleton, lawyers, who had distinguished themselves

1631. Oct. 27.

by the bitterness of their zeal, and the fervour of their eloquence, followed the precedent set them by Digges: and the two apostates atoned for their former offences by the industry and talent with which they supported the pretensions of the prerogative, the first in the office of attorney, the second in that of solicitor general.[79]

Members of the council.

As secretaries of state, Charles employed sir John Cooke, and sir Dudley Carleton. Of the first, the great merit was industry; the chief failing covetousness. Carleton had learning, talents and activity; but the longer portion of his life had been spent in employment abroad, and his ignorance of the state of parties, and of the feelings of his countrymen, led him more readily to adopt the arbitrary designs of his sovereign.

[9] Rym. xix. 254. 347.

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Among the lords of the council, were the earl marshal, of whom it was said, that "he "resorted sometimes to court, because there "only was a greater man than himself, and "went thither the seldomer, because there was "a greater man than himself;" the brother earls of Pembroke and Montgomery, the earl of Dorset,[80] and the earls of Carlisle and Holland;[81] the first a Scottish gentleman, raised and enriched by king James, the second a younger son of lord Rich, and the favourite of Buckingham. Most of these were men of pleasure rather than business, and attended in the council, only because it was a duty attached to the offices which they held.

The great seal was still possessed by the lord Coventry, a profound lawyer, who devoted himself almost exclusively to his duties as a judge. He seldom spoke at the board, and, when he did, his opinion was usually unfavourable to the illegal and despotic claims of the court. It was not to be expected, that a minister of this character should make any advance in the esteem of his sovereign; yet Charles permit-

[80] He was the person whose duel with lord Bruce forms the subject of the paper in the Guardian, No. 129.

[81] Many extraordinary stories are told of the prodigality of Carlisle, in Lodge, ii. 45. Wilson, 703, 704. 730. Weldon, 271. Holland was a younger son of lord Rich, and by marrying the heiress of sir Walter Cope, obtained possession of the manor of Kensington, and of Holland house. From them he took his titles of baron of Kensington and earl of Holland.

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ted him to retain the office till his death, through the long lapse of sixteen years.

The earl of Manchester, lord privy seal, was also an able and experienced lawyer. He had succeeded Coke as lord chief justice, and gave £20,000 for the office of lord treasurer, which, at the end of twelve months, he was compelled to resign for the inferior and less lucrative situation of lord privy seal. Poverty made him an obsequious counsellor, and his authority served to neutralize in the council the more liberal opinions of the lord keeper.

It was but a few weeks before the murder of Buckingham, that the white staff, the idol of Manchester's devotion, was wrung from his grasp and transferred to the hands of sir Richard Weston, chancellor of the exchequer. Weston, by his talents and industry, realized the promises of his patron, and the expectations of his sovereign; success inspired him with presumption; and he ventured to raise his eyes to that place from which the dagger of Felton had precipitated its last possessor. Charles checked his ambition: he paid his debts, he gave him lands, he created him earl of Portland, but he refused him the monopoly of power which had been enjoyed by Buckingham. Weston had, however, strong claims to the gratitude of his sovereign. In the collection of a revenue derived chiefly from illegal sources, he braved, for the service of the king, the ha-

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tred of the people, and, his enemies, to render him still more odious, added to the charge of injustice, the still more unpardonable crime of popery. "I denounce him," cried Elliot, in the last session of parliament, "as the great "enemy of the commonwealth, who continues "to build on the foundation left by his master. "In him are centred all our evils; to him are "to be attributed the innovations in our reli- "gion, and the infringement of our liberties."[82]

Bishop Laud.

But the religious policy of which Elliot complained, whether it were an attempt to innovate, or to preserve from innovation, was the work of a very different personage, whose influence and whose fate claim more particular notice. Laud first attracted the attention of the public in his thirty-third year, by an act which he deplored to the last day of his life. He lent the aid of his ministry to a pretended marriage between Mountjoy his patron, and the lady Rich, whose husband was still living. This offence, the result of servility and dependence, was effaced by his subsequent repentance, and he made himself useful to Neile, bishop of Rochester, who introduced him to the notice of king James.

1605. Dec. 26.

1609. Sept. 17.

[82] See the characters of these ministers drawn by the pencil of Clarendon, Hist. i. 45—65. The cause of suspicion against Weston was, that his wife and daughters were catholics. The catholics themselves were convinced, from the severity with which he exacted the fines for recusancy, that he was a most orthodox protestant. Clarendon, i. 50. There is, however, reason to believe, that at his death he became a catholic. Strafford pap. i. 389.

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At court the obsequious clergyman crept slowly up the ladder of preferment: at the end of twelve years his services were rewarded with the bishopric of St. David's: and the zeal of the new prelate undertook to withdraw the countess of Buckingham from her attachment to the catholic worship. Though he failed of converting the lady, he won, what to him was of the first importance, the confidence of her son. The favourite chose him for his confessor, and the depository of his secrets; made frequent use of his pen and abilities, and derived from him advice and information. After the death of James, he was rapidly translated from St. David's to Bath and Wells, and thence to the higher see of London; was introduced into the privy council, and received a promise of Canterbury on the death of archbishop Abbot. Even the loss of his patron proved to Laud an advantage. Charles, bereft of his favourite, called to him his favourite's counsellor. He was already acquainted with the sentiments and the intrepidity of the prelate, his belief in the doctrine of passive obedience, his zeal to enforce ecclesiastical conformity, and his opposition to the civil and religious principles of the puritans. He resigned to Laud the government of the church, and Laud marshalled the church in support of the prerogative.

1621. June 29.

1626. Jan. 20. 1628. July 15.

Peace with France.

By this time the king had learned to condemn the imprudence which had wantonly

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plunged him into hostilities with the two great monarchies of France and Spain. Fortunately his enemies, who dreaded not the efforts of a prince engaged in perpetual contests with his parliament, had treated him as a froward child, warding off his blows, but offering no molestation in return. Philip, whether it were through generosity or contempt, sent back without ransom the prisoners made at Cadiz—Louis those taken in Rhé. The return of the latter prince to his capital encouraged the Venetian ambassadors to resume the secret negociation, and to propose again a peace between the two crowns. Few difficulties were opposed, and these were easily overcome.[83] Louis waved his demand of the restoration of the St. Esprit, a ship of war of forty-six guns, April 14. built at his expence in the Texel, and illegally captured in the very harbour, by sir Sackville

[83] One objection raised by the French was, that Rohan, though professing himself the ally of Charles, would not accept the pacification, because he was in reality the pensioner of Spain; (Carleton's Letters, xxv.): so the fact turned out to be. While he was soliciting the French protestants to join the king of England in defence of their religion, he was in reality following the dictates of the Spanish council, from which he received 40,000 ducats per annum. His brother, Soubize, had also 8000. On the conclusion of the peace between Charles and Louis, Rohan concluded another treaty with Philip, by which, in consideration of a supply of 300,000 ducats, he engaged that the French protestants should continue the war; and that if an independent state should ultimately be established by them in any part of France, the catholics should enjoy full toleration and equal rights. See the treaty in Dumont, v. part ii. 582, 583. Siri, Memorie recondite, vi. 646.

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Trevor; and Charles contented himself with a conditional, and therefore illusory, promise in favour of his allies the French protestants. By a general clause all conquests made on either side were restored, and the relations of amity and commerce re-established between England and France.[84]

With Spain.

The overtures for a reconciliation between Charles and Philip passed in the first instance through the hands of Gerbier, late master of the horse to the duke of Buckingham, and Reubens, the celebrated Flemish painter.[85] Soon afterwards, Cottington proceeded as ambassador to Madrid, and Colonia returned in the same capacity to London. The treaty of 1604 was taken as the basis of pacification: and Philip, by a letter under his own hand, engaged not only to restore to the Palatine such parts of his dominion as were in the actual possession of the Spanish troops, but never to cease from his efforts till he had procured from the emperor terms satisfactory to the English monarch. In return for this concession, was concluded a secret and most important contract, which had for its object to perfect the myste-

1630. Nov. 5.

[84] Dumont, 580. Rush. ii. 24. Rym. xix. 60. 87. In consequence of this treaty, Canada and Arcadia, which had been conquered by two brothers, David and Lewis Kirk, were restored to France.

[85] Gerbier was also a painter in distemper, a native of Antwerp. He was trusted both by Buckingham and the king, and at the restoration, returned to England with Charles the second. Walpole has not done him justice in his Anecdotes of Painting, 189.

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rious treaty respecting Holland, originally commenced by Charles and Buckingham during their visit to the Spanish court: that the king of England should unite his arms with those of Philip for the reduction of the seven united provinces, and that the former should receive as the price of his assistance a certain portion of those provinces comprehending the island of Zealand, to be held by him in full sovereignty. It was duly signed by the two ministers, Olivarez and Cottington: but the king wisely hesitated to give it his ratification: and by this demur forfeited his right to exact from Philip the performance of the promise in favour of the Palatine. Fortunately, however, for him, the whole transaction was kept secret. Had it transpired, his protestant subjects would have branded him as an apostate from his religious creed; perhaps have driven him in their indignation from his throne.[86]

1631. Jan. 12.

Intrigues with the states of Flanders.

A year had scarcely passed, when Charles betrayed the same want of sincerity towards Philip, which he had lately manifested towards the protestants of the Netherlands. The catholic states of Flanders and Brabant entertained a project of throwing off their dependence upon Spain. Both France and Holland offered assistance: but the states suspected

1602. Aug. 14.

[86] Rym. xx. 219. Clarendon papers, i. 49. 780. i. App. xxxii. Carleton's Letters, xxviii.—xxxii. lv.

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the real intentions of those powerful neighbours, and made application through Gerbier to the king of England. Charles replied, that it was

Aug. 21.

not consistent with his honour to announce himself as the fomenter of rebellion in the subjects of a prince with whom he was at peace; but that, if they would previously proclaim themselves independent, he would pledge his word to protect them against every enemy. They were, however, unwilling to hazard their safety on the faith of a general promise; and while they sought to bind the king to specific conditions, Philip discovered the clew to the secret, and was careful to secure their wavering allegiance by the presence of a numerous army. Thus both these negociations failed; but it was proper to notice them, as early instances of that spirit of intrigue, and that absence of common honesty, with which the king was afterwards reproached by his enemies, during the civil war.[87]

New sources of revenue.

At home, his attention was chiefly occupied with the improvement of the revenue. Though the grant of five subsidies had enabled him to silence the more clamorous of his creditors, and the cessation of war had closed up one great source of expence, yet the patrimony of the crown had been so diminished by the prodigality of his father, that he could not support

[87] See the Hardwicke papers, ii. 55—92.

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the usual charges of government without additional aid from the purses of his subjects. 1°. On this account he not only persisted in levying the duties of tonnage and poundage, but augmented the rates on several descriptions of merchandize, and ordered the goods of the refractory to be distrained for immediate payment. 2°. He empowered commissioners, in consideration of a certain fine, to remedy defective titles, and pardon frauds committed in the sale of lands formerly belonging to the crown.[88] 3°. He called on all persons who had not obeyed the summons to receive knighthood at his coronation, to compound for their neglect. It is certain that in former times such defaulters were punished by fines levied on their property, by the sheriff; nor could it be said that the crown had resigned its claim; for the four last sovereigns had issued the usual summons, and their example had been copied by the present. But it had grown to be considered a mere form; the sheriff often neglected to serve the writ, and those who received it, paid it no attention. Now, however, inquiries were instituted; all baronets, all knights made since the coronation, and all possessors of lands rated at forty pounds per annum, were declared liable, and commissioners were appointed to fix the amount of their com-

1630. Jan. 28.

August.

[88] Rush. ii. S. 49. 300. Rym. xix. 4. 123. 167.

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positions. Some had the courage to dispute the legality of the demand, but the courts of law uniformly decided against them; and all were ultimately compelled to pay the sum awarded by the commissioners, which in no instance was less than two subsidies and a half. It was a most impolitic expedient, by which the king forfeited the attachment of the landed interest, the best and most assured support of his throne.[89] 4°. He contrived to raise a considerable revenue, by the revival of the numerous monopolies which had been abated on the successive remonstrances of parliament. But they were formed on an improved plan. Instead of being confined to a few favoured individuals, they were given to incorporated companies of merchants and tradesmen, who, in consideration of the exclusive privilege of dealing in certain articles, covenanted to pay into the exchequer a large sum of money in the first instance, and a fixed duty on the commodity which they manufactured or exposed to sale.[90] As these payments ultimately fell on the consumer, they were equivalent to an indirect tax, imposed by the sole authority of the crown. 5°. He extorted fines for disobedience to pro-

[89] Rush. ii. 70, 71. 135. 725. Rym. xviii. 278. xix. 119. 175. Bib. Regia, 337.

[90] Thus, for example, the corporation of soap-boilers paid for their patent £10,000, and engaged to pay a duty of £8 on every ton of soap. See Rush. ii. 136. 143. 186. Rym. xix. 92. 381.

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clamations, even when he knew that such proclamations were illegal. In the last reign, James had persuaded himself that the contagious maladies which annually visited the metropolis, arose from the increase of its size and the density of its population: and to check the evil, he repeatedly forbade the erection of additional buildings. But as the judges had declared such proclamations contrary to law, the prohibition was disregarded; new houses annually arose, and the city extended its boundaries in every direction. The rents of these buildings were calculated at £100,000 per annum; and Charles appointed commissioners to go through each parish, and summon the owners before them. Some were amerced for their presumption, and ordered, under a heavy penalty, to demolish their houses: others obtained permission to compound for the offence, by the payment of three years' estimated rent, besides an annual fine to the crown for ever.[91]

1634. Feb.

At the same time Laud watched with a vigilant eye over the interests of the church. Of late years a general subscription had been set on foot, for the purpose of buying up lay im-

Ecclesiastical proceedings.

[91] Thus, a Mr. Moor, having erected forty-two dwelling-houses, with stables and coach-houses, in the vicinity of St. Martin's in the Fields, was fined £1000, and ordered to pull them down before Easter, under the penalty of another £1000. He disobeyed, and the sheriffs demolished the houses, and levied the money by distress. See Strafford papers, i. 206. 243. 262, 263. 360. 372.

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propriations, and of employing them in the support of the ministry. The plan bore the appearance of religious zeal; the contributions were liberal, and the monies were vested in twelve persons, as trustees for their application. They devoted one portion to the purchase of advowsons and presentations, the other to the establishment of afternoon lectures in boroughs and cities. But it was suspected, perhaps discovered, that the trustees, under the pretence of supporting, were, in reality, undermining the church. The lecturers appointed were nonconforming ministers; and these, as they held their places at the will, were compelled to preach conformably to the commands, of their employers. Laud accused them of being placed in their situations, "to blow the bellows of se-"dition;" and the bishops received orders to watch their conduct, to convert, where it was possible, the afternoon lecture into the duty of catechising, and to insist, at all events, that the surplice should be worn, and the service read by the lecturer. The attorney general compelled the feoffees to produce their books and deeds in the court of the exchequer, and, after counsel had been heard on both sides, a decree was made, that, as they had usurped on the prerogative, by erecting themselves into a body corporate, and had acted contrary to the trust reposed in them, by not annexing the impropriations to the livings of perpetual incumbents, they should render an

1631. Feb. 13.

CHAP. IV.

account of all the monies received, and of all the impropriations and advowsons purchased, and that both these should be forfeited to the king, to be employed by him for the benefit of the church, according to the original intention of the subscribers. A hint was added, that the feoffees would, moreover, be called before the star-chamber for contempt; but the threat was never put in execution.[92]

Charles had been advised to issue a proclamation, forbidding preachers to treat in the pulpit any of the subjects connected with the Arminian controversy. His object was to put an end to the acrimonious disputes which agitated the two parties; but the prohibition was repeatedly disregarded by the zeal of the polemics, and the offenders on both sides were, with apparent impartiality, equally summoned to answer for their presumption before the court of high commission. Their lot, however, was very different. The orthodox divines usually confessed their fault, and were dismissed with a reprimand: the puritans, of a more unbending character, suffered the penalties of fine, imprisonment, and deprivation. The consequence was, that many, both ministers and laymen, sought to leave a land where they could not enjoy religious freedom, and, migrating to Ame-

[92] Rush. ii. 150—152. Laud's Diary, 47.

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rica, laid the foundations of the state of New England.[93]

Punishment of of Leighton.

There was, however, one minister, of the name of Leighton, whose ungovernable zeal drew on himself a more severe visitation. In a book entitled, "An Appeal to Parliament, or "Sion's Plea against Prelacy," he maintained that God's children were subjected to a most cruel persecution; that the bishops were men of blood; that the institution of the prelacy was anti-christian and satanical; that the queen was a daughter of Heth; and that the king was abused by the bishops, to the undoing of himself and his people. Language so scurrilous and inflammatory quickly attracted the notice of

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[93] I may here mention an occurrence, which has been often misrepresented. The sabbatarian controversy still divided the churchmen and the puritans. On the 19th of March, 1632, the judges, Richardson and Denham, made an order at the assizes in Somersetshire, to be read by the ministers of the several parishes, forbidding wakes and other amusements on the Lord's day. The king disapproved of the order, and sent his father's book of sports, which has been already mentioned, to be read in opposition to it. This it has been contended, was acting in the very face of an act of parliament for the better observance of the sabbath; but a reference to the act will shew that it was in exact conformity with it. The act distinguished two kinds of sports, unlawful sports, such as bear-baiting, bull-baiting, interludes, and common plays, all which were forbidden without exception: and lawful sports and pastimes, which were allowed to all persons within their own parishes, but forbidden to them in other parishes, because the meetings of the inhabitants of different parishes frequently occasioned quarrels and bloodshed. See both in Bibliotheca Regia, 233—242.

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Laud. At his instigation, Leighton was brought before the lords in the star-chamber; his plea, that he had written through zeal, and not through malice, was disregarded; and the court adjudged him to suffer a punishment, the severity, or rather cruelty, of which will astonish the reader. The offending divine was degraded from the ministry, was publicly whipped in the palace yard, was placed for two hours in the pillory, and, in conclusion, had an ear cut off, a nostril slit open, and a cheek branded with the letters S. S. to denote a sower of sedition. These, however, were but the sufferings of one day. At the expiration of a week he underwent a second whipping, he again stood in the pillory, he lost the remaining ear, he had the other nostril slit, and the other cheek branded. Neither was his punishment yet terminated. Marked, degraded, mutilated as he was, he returned to prison, to be immured there for life, unless the king should at any subsequent period think him a fit object for mercy. But from Charles he found no mercy: and it was only at the end of ten years that he obtained his liberty from the parliament, then in arms against the king.[94] Leighton was a dangerous fanatic, capable, as appears from his writings, of inflicting on others the severities which he suffered himself. But this can form no apology for the

1630. Nov. 16.

[94] Rush. ii. 56. Howell's State Trials, iii. 383.

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judges who awarded a punishment so disproportionate to the offence. *They* sought to shelter themselves under the plea that he might have been indicted for treason, and, therefore, instead of complaining of the sentence, ought to have been thankful for his life.

Treatment of the catholics.

Both Charles and his adviser, Laud, were aware that the puritans accused them of harbouring a secret design to restore the ancient creed and worship. The charge was groundless. It originated in that intolerant zeal which mistook moderation for apostacy, and was propagated by those whom interest or patriotism had rendered hostile to the measures of government. Charles conceived it expedient to silence this murmur, by giving public proof of his orthodoxy. He carefully excluded all English catholics from the queen's chapel at Somerset house: he offered in successive proclamations a reward of £100 for the apprehension of Dr. Smith, the catholic bishop; and he repeatedly ordered the magistrates, judges, and bishops, to enforce the penal laws against the priests and jesuits. Many were apprehended, some were convicted. But the king, having ratified for the third time the articles of the marriage treaty, was ashamed to shed their blood merely on account of their religion. One only suffered the penalties of treason, through the hasty zeal of judge Yelverton: of the others, some perished in prison, some were sent into

banishment, and others occasionally obtained their discharge on giving security to appear at a short notice.[95]

The same motive induced the king to act with lenity towards the lay recusants. The law had left it to his option to exact from them the fine of twenty pounds per lunar month, or to take two thirds of their personal estate; but, in lieu of these penalties, he allowed them to compound for a fixed sum to be paid annually into the exchequer. Many hastened to avail themselves of the indulgence. The amount of the composition was determined at the pleasure of the commissioners; and the catholic, by the sacrifice, sometimes of one tenth, sometimes of one third of his yearly income, purchased, not the liberty of serving God according to his conscience (that was still forbidden under severe penalties), but the permission to absent himself from a form of worship which he disapproved. The exaction of such a sacrifice was irreconcileable with any principle of justice: but inasmuch as it was a mitigation of the severities inflicted by the law, the recusants looked upon it as a benefit, the zealots stigmatized it as a crime in a protestant sovereign.[96]

Before I conclude this chapter, I may notice

[95] Rush. i. 645. ii. 11. 13. Prynne, Hidden Works, 123. Clarendon, pap. i. 353. 485. Challoner, ii. 123. Bibliotheca Regia, 35—39.

[96] See note (G).

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Proceedings in favour of the Palatine.

the efforts of Charles in favour of his sister, and her husband the prince Palatine. The king of Denmark had proclaimed himself the champion of their cause: but his career was short, and he was glad to preserve by a hasty pacification his hereditary dominions from the grasp of that enemy, whom he had wantonly provoked. In his place the kings of England and France endeavoured to call forth a more warlike and enterprising chief, the famed Gustavus Adolphus, king of Sweden. By their good offices a truce for six years was concluded between that prince and his enemy the king of Poland: and Gustavus landing in the north of Germany, astonished the world by the number and rapidity of his conquests. Nothing could resist the impetuosity of the Swedish hero. Armies were dissipated, fortresses reduced, and whole nations subdued. Charles had agreed to aid him with a body of six thousand infantry: but, that he might not offend the emperor by too open an avowal of hostility, he prevailed on the marquess of Hamilton to levy the men, and to conduct them to Germany, as if it were a private adventure, undertaken at his personal risk. Gustavus had formerly promised to replace Frederic on the throne: but when he saw himself in possession of a great part of the Palatinate, his views changed with his fortune, he began to plan an establishment for himself; and to every application from the king and the

1630. June.

1631. March 1.

CHAP. IV.

prince, he returned evasive answers, or opposed conditions which it would have been difficult for Charles, disgraceful to the Palatine, to perform. Vane, the English ambassador, was recalled: and Hamilton received orders to contrive some pretext for his return; but the prince deluded by his hopes, still followed the Swedish camp, till his protector fell in the great battle of Lutzen. Frederic did not survive him more than a fortnight, dying of a contagious fever in the city of Mentz; and all the efforts of his son Charles Louis proved as fruitless as those of the father. The imperialists routed his army in Westphalia: the earl of Arundel returned with an unfavourable answer from the diet of Ratisbon; and the reception given to the proposals made in his favour by the English envoy in the congress of Hamburgh, served only to demonstrate the utter hopelessness of his pretensions.[97]

1632. Aug. 1.

Nov. 6.

Nov. 19.

1637.

[97] Rush. ii. 35. 53. 59. 83—87. 130. 166. Memoirs of Hamiltons. 7—9. 15—25. Clarendon papers, i. 642. 678.

NOTE [A], Page 15.

EXTRACTS from the voluntary declaration of Anthony Copley dated 14th of July, 1603, taken before the earl of Shrewsbury, the lords Montague, Howard, Cecil, and others.

On these grounds of discontentment, Mr. Watson, with a choice number of his brethren and some special lay catholics, inasmuch as the king was not yet crowned, did consult upon their case, and resolve upon an oath, to be drawn and tendered to catholics concerning some action to be enterprised for the good of the cause, and therein to be contained a clause of secrecy for two reasons, the one for caution against discovery thereof to the state, the other against the jesuite's partie, which we were certainly informed were likewise distasted with the king, and had their course for the common cause in design, and that in caution against us. And for the drawing in of associates and the timorous, it was to be intimated by the tender of the oath, that the business was no more than to present a supplication to his majesty of eighty or a hundred of the chief catholics at a hunting or other convenient moment. The tenor of the supplication was, That they were a chosen band of catholics who had in the late reign assisted his majesty's title against all pretenders, and against the Spanish faction, putting him in mind of Watson's book,—they beseeched toleration, &c.

The examinant deposed that Watson tendered the oath to him, which he took at first under a false impression, when Watson

gave him a glance of the attempts to be made if their suit failed, and at parting requested him to come to town with as many able men as he could.

They had several meetings, Watson on one occasion talked of dispelling privy counsellors, cutting off heads, getting the broad seal, and seizing the Tower, which Copley marvelled at: conversations without head or foot, the grounds of which he then knew not.

A day or two after, Watson told him the jesuits had crossed his purpose in Lancashire and Wales, whence he expected large supplies of men.

A meeting took place between him, Watson, and sir Griffin Markham when Copley's scruples were satisfied that it was for the good of the catholic cause they should enter into the enterprise. It was proposed to seize the king's person at Greenwich, and to possess themselves of the Tower. It was intended to give a free use of religion to all, and that catholics should hold offices equally with protestants. Watson proposed to depose the king, which Copley opposed, because it would impair the dignity of the crown by dismembering Scotland from England, and would draw on the Dane, together with Scotland and Brunswick; at this meeting of sir Griffin Markham, which occurred at a supper given by Watson, some ludicrous remarks were made on king James—his vulgar manner of drinking is particularly spoken of.

Watson at last finding things did not succeed, told them they might all go to their homes, affirming that he despaired of the action: he afterwards himself departed.

NOTE [B], Page 59.

LETTER FROM GARNET TO HIS SUPERIOR IN ROME,

"MAGNIFICE DOMINE,

"Accepimus dominationis vestræ literas, quas ea qua par est

" reverentia erga suam sanctitatem et vestram paternitatem " amplectimur. Et quidem pro mea parte quater hactenus " tumultum impedivi. Nec dubium est quin publicos omnes " armorum apparatus prohibere possimus, cum certum sit multos " catholicos, absque nostro consensu, nihil hujusmodi nisi urgente " necessitate attentare velle.

" Duo tamen sunt quæ nos valde solicitos tenent. Primum ne " alii fortassis in una aliqua provincia ad arma convolent, unde " alios ipsa necessitas ad similia studia compellat.

" Sunt enim non pauci, qui nudo suæ sanctitatis jussu cohiberi " non possunt. Ausi sunt enim, vivo papa Clemente, interrogare " num posset papa illos prohibere quo minus vitam suam defendant. " Dicunt insuper suorum secretorum presbyterum nullum fore " conscium : nominatim vero de nobis conqueruntur etiam amici " nonnulli, nos illorum molitionibus obicem ponere.

" Atque ut hos aliquo modo leniremus, et saltem tempus " lucraremur, ut dilatione aliqua adhiberi possint congrua reme- " dia, hortati sumus, ut communi consilio aliquem ad sanctissi- " mum mitterent : quod factum est, eumque ad illustrissimum " Nuntium in Flandriam direxi, ut ab ipso suæ sanctitati com- " mendetur, scriptis etiam literis quibus eorum sententiam ex- " posui, at rationes pro utraque parte. Hæ literæ fuse scriptæ et " plenissimæ fuere : tutissimè enim transferentur : atque hoc de " primo periculo. Alterum est aliquanto deterius, quia pericu- " lum est ne privatim aliqua proditio vel vis Regi offeratur, et " hoc pacto omnes catholici ad arma compellantur.

" Quare meo quidem judicio duo necessaria sunt ; primum " ut sua sanctitas præscribat quid quoque in casu agendum sit ; " deinde, ut sub censuris omnem armorum vim catholicis prohi- " beat, idque Brevi publice edito, cujus occasio obtendi potest " nuper excitatus in Wallia tumultus, qui demum in nihilum " recidit. Restat ut (cum in peius omnia quotidie prolabantur) " oremus suam sanctitatem his tantis periculis ut brevi necessarium

" aliquod remedium adhibeat: cujus sicut et reverendæ paterni-
" tatis vestræ benedictionem imploramus.

" Magnificæ Dominationis vestræ servus,

" Henricus Garnet."

Londini, 24 Julii, 1605.

NOTE [C], Page 67.

Letter from Garnet to Persons.

" My verie lovinge sir, we are to goe within fewe dayes neerer
" London, yet are we unprovided of a house, nor can find any con-
" venient for any longe tyme. But we must be fayne to borrowe
" some private house, and live more privately untill this storme
" be overblowen; for most strict inquiries are practiced, wherein
" yf my hostesse be not quite undone, she speedeth better than
" many of her neighbours. The courses taken are more severe
" than in Q. Elizabeth's tyme. Everie six weeks is a severall
" court, juries appointed to indite, present, find the goods of ca-
" tholicks, prize them, yea, in many places to drive awaye what-
" soever they find (contra ordinem juris), and putt the owners,
" yf perhaps protestants, to prove that they be theirs and not of
" recusants with whom they deale. The commissioners in all
" contreys are the most earnest and base puritans, whom other-
" wise the kinge discountenanceth. The prisoners at Wisbich
" are almost famished: they are verie close, and can have no
" healpe from abrode, but the kinge allowinge a marke a weeke
" for eche one, the keeper maketh his gains, and giveth them
" meate but three dayes a weeke. If any recusant buy his goods
" againe, they inquire diligently yf the money be his own, other-
" wise they would have that too. In fine yf these courses hould,
" everie man must be fayne to redeeme once in six moneths the
" verie bedd he lyeth on: and hereof, that is of twice redeem-

" inge, besides other presidents I find one in this lodginge where " nowe I am. The judges nowe openly protest that the kinge " nowe will have blood, and hath taken blood in Yorkshier: that " the kinge hath hitherto stroaked the papists, but nowe will " strike. This is without any least desert of catholicks. The " execution of two in the north is certayn, and, whereas it was " done uppon could blood, that is with so great staye after their " condemnation, it argueth a deliberate resolution of what we " may expect. So that there is noe hope that pope Paulus V. " can doe any thinge: and whatsoever men give owt there of " easie proceedings with catholicks, is mere fabulous. And yet " I am assured notwithstandinge, that the best sort of catholicks " will beare all their losses with patience. But howe these " tyrannicall proceedinges of such base officers may drive particu- " lar men to desperate attempts, that I can not answer for, the " kinge's wisedome will foresee.

" I have a letter from Field in Ireland, whoe telleth me that " of late there was a verie severe proclamation against all eccle- " siasticall persons, and a generall command for goinge to the " churche; with a soleme protestation that the kinge never pro- " mised nor meant to give toleration."

October 4, 1605.

NOTE [D], Page 86.

In this note I shall mention the chief presumptions against Garnet, Greenway, and Gerard, and their answers with those of their advocates.

1°. It was alleged that Garnet had resolved the case of the destruction of the innocent with the guilty in favour of the conspirators.—He answered that the case which he resolved, was a common case in war, and that the question was put to him, and the answer given by him in the usual manner. That it had any reference to the treason was totally unknown to him. It was not in effect the *same* case; Catesby himself, according to Winter,

never pretended to the conspir ators that it was any thing more than a *like* case.

2°. He had given letters of recommendation to Fawkes and Baynham, when the first was going to Flanders, and the other to Italy.—He replied that he was in the habit of giving such letters to all catholic gentlemen, who applied for them. He had given one to Fawkes under the persuasion that his object was to serve in the army of the archduke, and to Baynham, because he had undertaken to lay before the pontiff a statement of the calamitous situation of the English catholics. Before any guilt could be inferred from these letters, it was necessary to shew that he had been acquainted with the traitorous designs of the envoys, of which he most solemnly declared that he was ignorant.

3°. With his knowledge of the plot from confession, he had prayed on the first of November for the success of the catholic cause, and had repeated the verses—Auferte gentem perfidam, credentium de finibus.—He answered that he had not prayed for the success of the plot, but that whatever might happen, God would direct it to his greater glory : and that the allusion contained in the latin verses was merely accidental. They formed part of the hymn appointed for the service of the day, which he should have recited whether there had been any conspiracy or not.

4°. It was said that he received on the sixth of November a message from Catesby by Bates, the confidential servant of that conspirator.—He denied that Bates brought any message to *him*. His commission was to deliver a letter to lady Digby from her husband. Garnet was, indeed, in the house, but he refused to see a man, who had been engaged in so horrible a treason.

5°. During the controversy respecting the oath of allegiance, archbishop Abbot, bishop Andrews, and Casaubon, who wrote in favour of James, in proof of the guilt of Garnet, referred to a letter said to be in his hand-writing, and dated on palm sunday, soon after his condemnation. It was addressed to his brethren of the society, and supposed to be written to excuse his weakness,

in having named Greenway as the "one man living" who had opened the matter to him in confession. He is made to say that had he not known that Greenway was in the Tower, he would have invented some other *fiction*: that after his conversation with Oldcorne, it became necessary to name some one: that he could not name any of the lay conspirators, because he had sworn never to betray them; and that he hoped Greenway would forgive him, because that jesuit had already been accused by several of the prisoners, and Garnet had extenuated his offence by saying that he disapproved of the plot.—By the friends of Garnet this letter was pronounced a forgery, and I think with reason. 1°. That he should prefer a false accusation against a friend, whom he believed to be in custody, in order to save a guilty person, who was at large and perhaps in safety, is in itself improbable: 2°. but that he should call what he had said a false accusation, a fiction, is to me incredible. It was no fiction, but a fact. Not only did Garnet maintain it at his trial and his death, but Greenway himself in his manuscript papers now lying before me, repeatedly admits it in the course of his narrative. 3°. Moreover the assertion attributed to Garnet in the letter, that he mentioned Greenway, because he was already in custody, is contradicted by Garnet's speech on the scaffold, in which he says that he mentioned him because he believed him to be in safety, and because he was able to vindicate his own character. To me the letter appears totally unworthy of credit.

6°. In 1675, certain letters were discovered written from the Tower by Digby to his wife, but intended for Gerard. In them he expresses his surprise and sorrow, that the design should be condemned by the catholics and missionaries in general, and declares that he would never have engaged in it, had he not been persuaded that it was lawful. "It was my certain belief, that "those which were best able to judge of the lawfulness of it, had "been acquainted with it, and given way unto it. More reasons "I had to persuade to this belief than I dare utter, which I will

" never to the suspicion of any, though I should be to the rack for " it." Gunpowder Treason, edition of 1679, p. 242. In reference to the same subject he proceeds in a subsequent letter.—" I do " answer your speech with Mr. Brown thus. Before that I " knew any thing of this plot, I did ask Mr. Farmer (Garnet) " what the meaning of the pope's brief was." (This brief was sent to Garnet on the 19th of July, 1603, in consequence of Watson's treason, which I mention because a very erroneous meaning has been given to this passage in Miss Aiken's Court of James I.) " He told me they were not, meaning priests, to un- " dertake to procure any stirrs: but yet they would not hinder " any (neither was it the pope's mind they should) that should " be undertaken for catholick good. I did never utter thus " much, nor would not, but to you: and this answer with Mr. " Catesbye's proceedings with him and me, gave me absolute be- " lief that the matter in general was approved, though every par- " ticular was not known," p. 250, 251. Hence it appears to have been the persuasion of Digby that Garnet approved of the plot. But had he any assurance of it? It is plain that he had not. " As I did not know directly that it was approved by such, " so did I hold it in my conscience the best not to know any " more, if I might." p. 242. This concession appears to take away the force of his previous testimony.

With respect to Greenway, it is certain that he knew of the secret in confession. But of this the ministers were unacquainted at the time of the proclamation. The grounds of the charge against him were the following. 1°. According to the attorney general at the trial, Bates had acknowledged that he mentioned the matter to Greenway, and received from him instructions to do whatever his master should order. On the other side Greenway, in a paper which lies before me, declares on his salvation, that Bates never spoke one word to him on the subject, either in or out of confession: and Bates himself in a letter written before he suffered, asserts that he merely said it was his suspicion that Green-

way might have known something of the plot. 2°. On the sixth of November Greenway rode to the conspirators at Huddington, and administered to them the sacrament. He replies, that having learned from a letter written by sir Everard to lady Digby, the danger in which they were, he deemed it a duty to offer to them the aids of religion, before they suffered that death which threatened them: that for this purpose he rode to Huddington, and then, after a few hours, left them for the house of Mr. Abingdon, at Henlip. Greenway escaped to Flanders.

The charge against Gerard, rested at first on the very slender foundation I already mentioned in chapter 1st, note 42. The moment it was made he loudly proclaimed his innocence, and in several letters demanded justice from the lords in the council. Six and twenty years later the charge was revived against him by Anthony Smith, a secular clergyman, who made affidavit before Dr. Smith, bishop of Chalcedon and vicar apostolic in England, that in his hearing Gerard had said, in the novitiate at Liege, that he worked in the mine with the lay conspirators till his clothes were as wet with perspiration as if they had been dipped in water; and that the general condemnation of the plot was chiefly owing to its bad success, as had often happened to the attempts of unfortunate generals in war. MS. copy dated April 17, 1631. On the contrary, Gerard being called upon by his superiors, again proclaimed his innocence, asserted it on oath, and took the sacrament upon it: and it may be thought some, though not very conclusive proof in his favour, that Fawkes in his examination on the 8th of November says, that "none but gentlemen "worked in the mine." (Original in the state paper office.) For my own part, after having read what he wrote in his own vindication, I cannot doubt his innocence, and suspect that Smith unintentionally attributed to him, what he had heard him say of some other person.

I will only add, that implicit faith is not to be given even to the documents published by the government. Winter is said to

have confessed that Fawkes went to Flanders with the intention of communicating the plot to Owen. (Gunpowder Treason, p. 56.) Fawkes is also made to assert the same. " I retired into the low " countreys *by advice and direction of the rest, as well to ac-* " *quaint Owen with the particulars of the plot, as also* least by " my longer stay I might have grown suspicious." Ibid. 42. The original of Winter's confession is lost; that of Fawkes is still in the state paper office, but I understand that it does not contain the passage, which is printed in italics.

NOTE [E], Page 105.

This controversy brought to light a fact, which James was most anxious to conceal.

The reader is aware of the two papal breves, which had been issued by Clement VIII. in contemplation of the approaching death of Elizabeth. I cannot discover that any copies of these breves exist; but from a copy of the letter which accompanied them, when they were sent to the nuncio at Brussels, may be formed a pretty correct notion of their purport. " Ad Anglos " catholicos," says the pontiff, " scripsimus, eosque efficaciter hor- " tati sumus ut, si unquam alias, nunc maxime concordes et " unanimes sint, ac quibusvis terrenis affectibus et perturbationibus " semotis, ad solam Dei gloriam, veram regni utilitatem, et fidei " catholicæ conversationem aspiciant: neque se ad hæreticorum " consilia adjungi, eorumve dolis et astu se de sua constantia " dimoveri patiantur. Scripsimus etiam ad Archipræsbyterum " Angliæ ejusque assistentes, et cæterum clerum, ut tam necessa- " riam catholicorum, præsertim nobilium, unionem summo studio " conservent, eosque omni officii genere permoveant, ne cui suffra- " gentur in hoc gravissimo negotio, nisi vere catholico, ut quod " summopere in Domino cupimus, sancta et salutaris novi regis " creatio, Dei adjutrice gratia, sequatur." MS. letter.

Of the breves James had complained as prejudicial to his right to the crown; and Bellarmine in his reply, under the name of Matthæus Tortus, took occasion to publish a letter written by the king himself to Clement VIII. in 1599, in which he solicited the dignity of cardinal for a Scottish catholic, the bishop of Vaizon, and subscribed himself, Beatitudinis vestræ obsequentissimus filius. J. R. (See it in Rushworth, i. 166.) This was a stroke for which the king was not prepared; at first he sunk under it; he saw himself convicted of duplicity or perfidy in the eyes of all Europe. As his only resource he determined to deny the fact. Balmerino his secretary at the time was summoned before the council; and after several examinations, at the last of which the king himself attended unseen, yet within hearing, he consented to acknowledge that he had artfully procured the royal signature to the letter, but at the same time had kept his sovereign in ignorance both of its contents and of its address.

If we inquire more nearly into the artifice, which he was supposed to have employed for this purpose, we shall pronounce the story totally unworthy of credit. Balmerino was made to confess that, finding he could not prevail on the king to open a correspondence with the pope, he procured a letter to be composed by Edward Drummond; this, at a moment when James was about to mount his horse on a hunting party, was laid in the midst of several other dispatches before him; and the king in the hurry signed it together with the others in total ignorance of their contents.

This is sufficiently improbable, but let us ask what were the other dispatches? They were letters to the dukes of Florence and Savoy, and to the cardinals Aldobrandini, Bellarmine, and Cajetan at Rome. So much it was necessary to admit, otherwise Bellarmine would have published them. Now what could induce the king to write to these three cardinals? The answer is, that he never meant to do so; that the letters were placed before him without any address, and signed by him under the notion that they

would be forwarded to the cardinals of the house of Guise, his maternal relations; that they were thus sent in one packet to the archbishop of Glasgow his ambassador at the court of France, and directed by that prelate, without any authority from the king, to the three cardinals Aldobrandini, Bellarmine, and Cajetan!—See Balmerino's confession, or rather the declaration which was composed for him to sign, in Tortura Torti, p. 288.

No man can read this story, without pronouncing it at once a collection of falsehoods. Indeed it was so understood at the time. "He confessed simulatly, as was thought by thesse that "best wndertood the courte, and hou matters then went, to "liberat the king of suche grossnes." Balfour, ii. 29.

In consequence of his confession, Balmerino's name was erased from the list of privy counsellors in England, and he was sent to be tried in Scotland, where he received judgment of death. "Bot by the king's secrett commands to the earle of Dumbar, he "was againe remitted to the custodey of the lord Scone, as a closse "prissoner, to be keipt at Falkland; and from thence was "enlarged and confyned to his auen housses in Angus shyre, "and Balmerinoche in Fyffe shyre, quher he deyed of a feuer "and waicknes in his stomache, some few mounthes after the "death of his arch-enimey and competitor, Ceicill, earle of "Salisburrey, (after quhome) if aney tyme he had surwiued, (as "was talked by them that best knew the king's mynd) he had "beine in grater crydit with his master than euer." Balfour, ii. 30.

NOTE [F], Page 274.

The chief object of Bennet's mission to Rome was to obtain a bishop to preside over the English catholic church. The secular clergy had repeatedly remonstrated against the government by an archpriest: but, though their case was supported by the favourable testimony of Barberini, the nuncio at Paris, and of Benti-

voglio, the nuncio at Brussels, they did not succeed before the death of Harrison, the second archpriest after Blackwall. Then Bennet, accompanied by Farrar, another clergyman, pressed the matter on the attention of Gregory XV. the reigning pope. Their principal advocate was cardinal Bandini, who argued that every church by the institution of Christ, ought to be placed under the superintendence of bishops; that had episcopal government been established among the English catholics, the disputes of the missionaries, the unadvised attempts against the state, and even the gunpowder plot, would in all probability have been prevented; and that, unless the request of the clergy were granted, the French prelates, particularly the archbishop of Rouen, who had already made some attempts, would take upon themselves the chief care of the English church. He was opposed by cardinal Mellini, who contended that episcopal government was not essential to the existence of a provincial church; that to introduce it into England, would be to expose the catholics to additional severities; and that the connection already existing between the French and English clergy made it probable, that the latter, if placed under a bishop, would make common cause, and demand the same privileges with the former. The petition of Bennet was strongly supported by the French and Spanish ambassadors; and the pope had expressed a disposition to gratify the clergy, when the adversaries of the measure, as a last resource, appealed to the fears and jealousies of James. Toby Matthews, pretending an unwillingness that any arrangement should be adopted which might prove disagreeable to the king, revealed the whole proceeding to the council. James was not deceived as to his motive; (see a letter in Cabala, 292, and others in Bacon's works, vol. vi.) but he communicated to the pontiff through the Spanish ambassador his resolution, never to admit a catholic bishop into his dominions. Gregory hesitated; instead of four bishops he appointed only one; and that the new prelate might be less

objectionable; he selected for the office Dr. Bishop, who had formerly signed the celebrated protestation of allegiance in the last year of Elizabeth. Still, as it was doubtful how far the king might yield, or the bishop himself might form connexions with the French prelates, he made him revocable at pleasure. He was consecrated in France, and received power to exercise episcopal authority over the catholics of England and Scotland. But the Scots immediately remonstrated: they never had been, they never would be subject to an English prelate: and Gregory, to satisfy this national jealousy, ordered Bishop to abstain, till further orders, from pretending to any jurisdiction within the kingdom of Scotland. MSS. penes me.

NOTE [G], Page 425.

Rushworth and Prynne complain bitterly of the indulgence granted to recusants in their compositions. The fact was, that the fine to the proprietor in the first instance was moderate in comparison with the penalty due by the law. But every estate was burthened with a great number of annuities to different branches of the family, and of these, as they fell in, one third was secured to the crown. I will give for an example, the composition of Mr. Tankard, of Boroughbridge, and have selected it, because it was one of those selected by Rushworth as a subject of complaint.

Com. Ebor. { Sessio Commiss. apud Maner. Dni Regis, &c. 16° die Octob. An. 1630. }

"Thomas Tankard of Borowbriggs in the county of York Esq^r. "hath this day compounded with his majesties commissioners for "himself and Frances his wife, for all his manors, lands, tene- "ments, and hereditaments with their appurtenances in the "county of York, for the sum of sixty-six pounds, thirteen shil- "lings four pence in present. And after the determination of an

" annual rent of £100 payable to Roger Beckwith of Aldborough,
" the sum of £33 6s. 8d. more. And after the death of Merial
" Tankard of Copgrave widow, the sum of £33 6s. 8d. more.
" And after the determination of an annuity to Mary Tankard his
" sister, the sum of £16 13s. 4d. more. And after the determi-
" nation of an annuity of £80 payable to Catherine Tankard,
" sister of him the said Thomas Tankard, till the sum of six hun-
" dred pounds be paid, £26 13s. 4d. more. And after the de-
" termination of an annuity of £10 payable to Christopher Lan-
" caster of Crabtrees in the county of Westmoreland during his
" life, the sum of £3 6s. 8d. more. And after the determination
" of an annuity of £10 payable unto Hugh Tankard during his
" life, the sum of £3 6s. 8d. more. And after the determination
" of an annuity of £10 payable to Peter North after the expira-
" tion of 15 years beginning £3 6s. 8d more. And
" after the determination of an annuity payable to Ralph Ellis
" during his life, the sum of £5 6s. 8d. more. All which several
" sums as they shall fall due, are to be paid at Martinmass and
" Whitsontide by equal portions. And to give bond for the first
" half year's rent accordingly, as also for the payment of one
" whole year's rent, which was due unto his majesty at Martin-
" mass An. 1629, and Whitsontide 1630. All his arreages are
" included in this composition."

This estate was forfeited under the commonwealth, and Rushworth, who thought £200 a year too small a fine to be paid by the catholic proprietor on account of his religion, was not ashamed to value the fee simple at no more than £600. He purchased it for that sum. MS. copies of the compositions penes me.

END OF VOL. IX.

SHACKELL AND ARROWSMITH, JOHNSON'S-COURT, FLEET-STREET.